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# SOUTH CAROLINA STATE REGISTER

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ASHLEY HARWELL-BEACH, DIRECTOR  
DEIRDRE BREVARD SMITH, EDITOR  
REBECCA FUDGER TURNER, ASSOCIATE EDITOR

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

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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 of 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:

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

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

**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 a proposed regulation.

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

**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.

## **2025 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 must be submitted no later than 5:00 P.M. on the second Friday of each month. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the submission deadline for that issue.

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

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## ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend, or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting and a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact and 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 the regulation 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 laws 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 the legislative interim, the regulation may be refiled for one additional ninety-day period.

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South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

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| 5365 | SR49-5    | Securities Exemption   | 05/04/2025* | Attorney General   | Regs, Admin. Proc., AI & CS | Banking and Insurance         |
| 5308 | SR49-5    | Child Placing Agencies Regulations   | 05/04/2025* | Department of Social Services  | Regs, Admin. Proc., AI & CS | Family and Veterans' Services |
| 5359 | SR49-5    | Assessment Program   | 05/04/2025* | State Board of Education   | Regs, Admin. Proc., AI & CS | Education                     |
| 5296 | SR49-5    | Approval of Kinship Family Foster Homes and Kinship Adoptive Homes for Children in Foster Care   | 05/04/2025* | Department of Social Services  | Regs, Admin. Proc., AI & CS | Family and Veterans' Services |
| 5303 | SR49-5    | Certification of Adoption Investigators and Persons Obtaining Consents or Relinquishments  | 05/04/2025* | Department of Social Services  | Regs, Admin. Proc., AI & CS | Family and Veterans' Services |
| 5315 | SR49-5    | Supplemental Benefits for Adoption and Medical Assistance  | 05/04/2025* | Department of Social Services  | Regs, Admin. Proc., AI & CS | Family and Veterans' Services |
| 5360 | SR49-5    | Agritourism and Tourism-Oriented Directional Signing   | 05/04/2025* | Department of Transportation   | Regs, Admin. Proc., AI & CS | Transportation                |
| 5353 | SR49-5    | Office of Elevators and Amusement Rides  | 05/04/2025* | LLR-Office of Elevators and Amusement Rides  | Regs, Admin. Proc., AI & CS | Labor, Commerce and Industry  |
| 5327 | SR49-5    | Bureau of Coastal Management, Chapter 30   | 05/04/2025* | Dept of Health and Envir Control   | Regs, Admin. Proc., AI & CS | Ag and Nat Resources          |
| 5347 | SR49-5    | Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities  | 05/04/2025* | Department of Public Health  | Regs, Admin. Proc., AI & CS | Medical Affairs               |
| 5309 | SR49-5    | State Board of Cosmetology   | 05/04/2025* | LLR- State Board of Cosmetology  | Regs, Admin. Proc., AI & CS | Labor, Commerce and Industry  |
| 5348 | SR49-5    | Fee Schedules  | 05/04/2025* | LLR  | Regs, Admin. Proc., AI & CS | Labor, Commerce and Industry  |
| 5242 | SR49-5    | Article 2, Motor Carriers  | 05/04/2025* | Public Service Commission  | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5335 | SR49-5    | South Carolina State Board of Funeral Service  | 05/04/2025* | LLR-SC State Board of Funeral Service  | Regs, Admin. Proc., AI & CS | Labor, Commerce and Industry  |

## REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

|                                     |        |  |             |                                 |                             |                               |
|-------------------------------------|--------|--|-------------|---------------------------------|-----------------------------|-------------------------------|
| 5330                                | SR49-5 | Deer Processors and Donated Deer Processing Fee Recovery                                   | 05/04/2025* | Department of Natural Resources | Regs, Admin. Proc., AI & CS | Fish, Game and Forestry       |
| 5342                                |        | Residential Treatment Facilities for Children and Adolescents                              | 01/25/2026  | Department of Public Health     | Regs, Admin. Proc., AI & CS | Medical Affairs               |
| 5319                                |        | Sign Language Interpreters   | 02/01/2026  | State Board of Education        | Regs, Admin. Proc., AI & CS | Education                     |
| 5370                                |        | Honey Bees   | 03/05/2026* | Clemson University              | Regs, Admin. Proc., AI & CS | Ag and Nat Resources          |
| 5366                                |        | Procedures and Standards for Review of Charter School Applications                         | 04/04/2026* | State Board of Education        | Regs, Admin. Proc., AI & CS | Education                     |
| 5371                                |        | Defined Program, Grades 9-12 and Graduation Requirements                                   | 05/02/2026* | State Board of Education        |                             |                               |
| <b>Agency Withdrawal</b>            |        |  |             |                                 |                             |                               |
| 5199                                |        | R.45-9, Write-in Ballots, Sealed After Tabulation  | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5201                                |        | Emergency Election Procedures  | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5202                                |        | Poll Worker Training; Candidate Withdrawals  | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5203                                |        | Procedures for Electronic Petitions  | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5192                                |        | R.45-1, Definitions  | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5204                                |        | R.45-10, Retention and Disposition of Certain Voting Records                               | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5205                                |        | Reports to State Election Commission by County Boards of Voter Registration and Elections  | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5193                                |        | R.45-2, Instructions and Certification of Managers and Clerks in the Use of Vote Recorders | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5225                                |        | Retention and Storage of Election Records and Election Equipment                           | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5194                                |        | R.45-3, Tabulating Center Personnel  | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5195                                |        | R.45-4, Certification of Program Instructions  | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5196                                |        | R.45-5, Ballot Envelopes and Fold Over Ballot Cards  | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5197                                |        | R.45-6, Defective Ballot Cards   | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| 5198                                |        | R.45-7, Ballot Cards, Sealed After Tabulation  | Tolled      | State Election Commission       | Regs, Admin. Proc., AI & CS | Judiciary                     |
| <b>Committee Request Withdrawal</b> |        |  |             |                                 |                             |                               |
| 5314                                |        | Regulations for the Licensing of Child Care Centers  | Tolled      | Department of Social Services   | Regs, Admin. Proc., AI & CS | Family and Veterans' Services |
| <b>Permanently Withdrawn</b>        |        |  |             |                                 |                             |                               |
| 5336                                |        | South Carolina Board of Long Term Health Care Administrators                               |             | LLR-Long Term Health Care Admin | Regs, Admin. Proc., AI & CS | Medical Affairs               |
| 5313                                |        | Foster Care and Adoptions  |             | Department of Social Services   | Regs, Admin. Proc., AI & CS | Family and Veterans' Services |
| 5350                                |        | Standards for Licensing Crisis Stabilization Unit Facilities                               |             | Department of Public Health     | Regs, Admin. Proc., AI & CS | Medical Affairs               |
| 5364                                |        | Securities   |             | Attorney General                | Regs, Admin. Proc., AI & CS | Banking and Insurance         |

\*Revised 120-Day Review Expiration Date for Automatic Approval to 110-Day Review Expiration Date per S.164

## 4 EXECUTIVE ORDERS

### Executive Order No. 2025-16

**WHEREAS**, the undersigned has been notified of the passing of Reverend Kenneth F. Hodges, who previously served as a member of the South Carolina House of Representatives; and

**WHEREAS**, in addition to his dutiful service as a member of the South Carolina House of Representatives—where he advocated for supporting the State’s rural areas and small businesses and honoring South Carolina’s rich history—Reverend Hodges previously served the State of South Carolina as a member of the City Council of the City of Bennettsville and in various other state and local capacities; and

**WHEREAS**, Reverend Hodges was a man of faith, dedicated public servant, charismatic leader, tireless community advocate, successful businessman, and devoted father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; and

**WHEREAS**, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of the death of a present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; and

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

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Saturday, May 3, 2025, in honor of Reverend Hodges and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 30th DAY OF APRIL, 2025.**

**HENRY DARGAN MCMASTER**  
Governor

### Executive Order No. 2025-17

**WHEREAS**, on November 21, 2024, the undersigned requested that the Department of Administration (“Department”) conduct a review of the State’s policies and procedures pertaining to closing state government offices for hazardous weather or other similar circumstances, including events subject to a declaration of a State of Emergency, and that the Department’s Division of State Human Resources (“DSHR”) provide recommendations regarding any necessary or appropriate modifications or amendments to the same; and

**WHEREAS**, the State’s longstanding procedure for closing state government offices in connection with hazardous weather or other similar scenarios provides that state agencies and departments, including state-supported colleges, universities, and technical colleges, must follow county government closure decisions in the county where the state offices are located, *e.g.*, Exec. Order No. 2024-33, § 1(H) (Nov. 7, 2024); and

**WHEREAS**, under the aforementioned policy, state agency heads retain the authority and discretion to designate emergency personnel or other critical employees as essential or mission-critical to the State’s preparation for or response to emergency conditions or otherwise necessary to serve the State or to ensure the

continuity of critical operations of state government and to require that any such employees report to work, and in the event of a county closure, state agencies are required to utilize, to the maximum extent possible, telecommuting or work-from-home options for nonessential employees; and

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

**WHEREAS**, as detailed in the undersigned’s November 21, 2024 letter to the Department, the foregoing hazardous-weather procedure, which was designed to ensure the safety of state employees and the public, has generally served the State well, due in large part to its acknowledgment that, in many instances, county officials are often the closest to and the most familiar with local forecasts and conditions and its recognition that state agencies’ county or regional offices are often co-located in county-owned buildings or facilities; and

**WHEREAS**, notwithstanding the aforementioned benefits, in light of recent experience and the relocation of the principal offices of certain state agencies from Richland County to Lexington County, it is necessary and appropriate to revisit the above-referenced approach to hazardous-weather events and other similar scenarios and to reconsider whether state government offices should automatically follow county government closure determinations in Lexington and Richland Counties; and

**WHEREAS**, while the current approach has provided flexibility and avoided overbroad closure scenarios, experience has demonstrated that different counties make closure determinations based on a multitude of different factors, as is their prerogative; and

**WHEREAS**, because county officials are not responsible for evaluating—and understandably may not consider—the “upstream” effects of closure decisions on state agencies or state offices, continued adherence to the longstanding practice of following county closure determinations risks creating confusion for employees and the general public and unnecessarily impeding state government operations, particularly in the Midlands, where several state agencies have relocated or expanded beyond Richland County, such that one county’s closure decision may have unintended consequences not only for county-specific offices but also for state agency headquarters and principal offices; and

**WHEREAS**, on March 14, 2025, the Department advised the undersigned that it had completed the requested review and recommended adoption of a hybrid approach utilized by other States to determining when to close state offices due to hazardous weather or other dangerous conditions; and

**WHEREAS**, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

**WHEREAS**, section 25-1-440 of the South Carolina Code of Laws provides that the Governor is responsible “for the development and coordination of a system of Comprehensive Emergency Management,” which includes “provisions for mitigation, preparedness, response, and recovery in anticipated and actual emergency situations” and “procedures for response and recovery operations at all levels of government from the municipality, special purpose district, through the county to the State, according to the incident scene location”; and

## 6 EXECUTIVE ORDERS

**WHEREAS**, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

**WHEREAS**, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

**WHEREAS**, as the elected Chief Executive of the State, the undersigned is authorized under section 25-1-440 of the South Carolina Code of Laws to direct and compel the evacuation of all or part of the populace from any stricken or threatened area if such action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; and

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and promote the safety of state employees and the general public and simultaneously to enhance state government operations, the undersigned has determined that it is necessary and appropriate to modify the existing policies and procedures pertaining to the closure of state government offices for hazardous weather or other similar circumstances so as to adopt the Department’s recommendation and account for the fact that the principal offices for most state agencies and departments are located in Richland and Lexington Counties.

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

### **Section 1.     Modifying Default Policy for State Office Closures Due to Hazardous Weather or Other Dangerous Conditions**

A.     I hereby adopt the Department’s recommended modifications to the State’s default policies and procedures pertaining to the closure of state government offices for hazardous weather or other similar circumstances, including events subject to a declaration of a State of Emergency.

B.     I hereby authorize and direct that, with the exception of state government offices located in Richland and Lexington Counties, unless otherwise directed by the undersigned, state agencies and departments, including state-supported colleges, universities, and technical colleges, shall follow county government closure determinations for purposes of closing state government offices in any such counties or operating the same on an abbreviated schedule due to hazardous weather or other dangerous conditions. Consistent with the Department’s recommendations, the undersigned will determine and direct when and if state agencies and departments, including state-supported colleges, universities, and technical colleges, shall close or operate state government offices on an abbreviated schedule in Richland and Lexington Counties. I further authorize the Department, including DSHR, to communicate the undersigned’s determinations regarding the closure of state government offices in Richland and Lexington Counties, through appropriate means, without the need for further Orders.

C.     Notwithstanding the foregoing, emergency or other critical personnel designated and determined by, and in the sole discretion of, the corresponding agency head, or their designee, as essential or mission-critical to the State’s preparation for, response to, or recovery from hazardous weather or emergency conditions, or otherwise necessary to serve the State of South Carolina or to ensure the continuity of critical

operations of state government, may still be required to report to work. State agencies and departments shall utilize, to the maximum extent possible, telecommuting or work-from-home options for nonessential employees.

D. Pursuant to section 25-1-440 of the South Carolina Code of Laws, as well as other applicable law, I hereby prohibit any county, municipality, or other political subdivision of the State of South Carolina from restricting access by essential state employees to any location or facility that is occupied or utilized, in whole or in part, by any state agency or department for the duration of any declared State of Emergency. Accordingly, I hereby direct that any such county, municipality, or other political subdivision of the State shall authorize, allow, and provide access to said locations or facilities by any state agency or department, and the officials and employees thereof, as deemed necessary and appropriate and in the manner prescribed by the state agency or department so as to ensure the uninterrupted performance and provision of emergency, essential, or otherwise mission-critical government functions and services during any declared State of Emergency.

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

## **Section 2. General Provisions**

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

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

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

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

E. This Order is effective immediately and shall remain in effect unless modified, amended, superseded, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 1st DAY OF MAY, 2025.**

**HENRY DARGAN MCMASTER  
Governor**



## **8 EXECUTIVE ORDERS**

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL**

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

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to modify and adopt the following building codes for use in the State of South Carolina:

Mandatory codes include the:

2024 Edition of the International Building Code;  
2024 Edition of the International Residential Code;  
2024 Edition of the International Fire Code;  
2024 Edition of the International Plumbing Code;  
2024 Edition of the International Mechanical Code;  
2024 Edition of the International Fuel Gas Code;  
2023 Edition of the National Electrical Code.

Interested persons may submit written comments until August 4, 2025, to:

Contact.BCC@llr.sc.gov

South Carolina Building Codes Council  
PO Box 11329  
Columbia, SC 29211-1329

Additional information and the Modification Request form may be found on the Council's website at [www.llr.sc.gov/bcc](http://www.llr.sc.gov/bcc).

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL**

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

#### **NOTICE OF PUBLIC HEARING**

The South Carolina Department of Labor, Licensing and Regulation and the Building Codes Council do hereby give notice under Section 6-9-40(A)(3) and (4), of the South Carolina Code of Laws, as amended, that a public hearing will be held on May 20, 2025, in the Midlands and Pee Dee Conference rooms in the Kingstree Building, 110 Centerview Drive, Columbia, SC 29210, at 10:30 A.M., at which time interested persons will be given the opportunity to appear and present views to the Council's appointed Study Committee on the following building codes for use in the State of South Carolina.

Mandatory codes include the:

2024 Edition of the International Building Code;  
2024 Edition of the International Residential Code;  
2024 Edition of the International Fire Code;  
2024 Edition of the International Plumbing Code;  
2024 Edition of the International Mechanical Code;  
2024 Edition of the International Fuel Gas Code;  
2023 Edition of the National Electrical Code.

Additional meetings, if needed, will be held on June 17, 2025, July 15, 2025, and August 12, 2025, in the Kingstree Building, at 110 Centerview Drive, Columbia, SC 29210. The Council's web page will provide updates, if any, regarding these meetings, to include the time they will begin.

Any person who wishes to appear before or provide evidence or comments to the committee, or both, must submit a written notice of his or her intention to appear before the Study Committee to Maggie Smith, Administrator of the Building Codes Council, at the physical address stated below, or to the email address also provided below, by or before May 13, 2025.

Maggie Smith  
S.C. Building Codes Council  
SC Department of Labor, Licensing and Regulation  
PO Box 11329  
Columbia, SC 29211-1329  
Maggie.Smith@llr.sc.gov

If any person chooses not to attend the hearing but wishes to submit evidence or comments for the Committee's consideration, the evidence or comments should be sent to the same addresses provided above by or before August 4, 2025.

## DEPARTMENT OF PUBLIC HEALTH

### NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **May 23, 2025**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, at (803) 545-4200, or by email at [coninfo@dph.sc.gov](mailto:coninfo@dph.sc.gov).

#### **Affecting Aiken, Bamberg, Barnwell, Calhoun, Charleston, Lexington, Orangeburg, and Richland Counties**

##### **Ropheka Cares LLC d/b/a Ropheka Cares Home Health Agency**

The establishment of a Home Health Agency in Aiken, Charleston, Calhoun, Bamberg, Barnwell, Richland, Lexington, and Orangeburg Counties at a total project cost of \$16,675.00.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made no earlier than 30 days, but no later than 90 days, from **May 23, 2025**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, P.O. Box 2046 West Columbia, SC 29171. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 120 days from the above date. For further information call (803) 545-4200 or email [coninfo@dph.sc.gov](mailto:coninfo@dph.sc.gov).

#### **Affecting Sumter County**

##### **Sumter Behavioral Health, LLC d/b/a Midlands Behavioral Health Hospital**

The addition of 28 psychiatric beds for a total of 60 psychiatric beds at a total project cost of \$36,678.00.

## 10 DRAFTING NOTICES

### DEPARTMENT OF PUBLIC HEALTH

#### CHAPTER 60

Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394, 44-37-40, 44-37-50, 44-41-70(a), and 63-7-40

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

The Department of Public Health (Department) proposes amending R.61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries. Interested persons may submit comment(s) on the proposed amendments to the Bureau of Public Information and Regulatory Affairs; S.C. Department of Public Health, P.O. Box 2046, West Columbia, SC 29171; HQRegs@dph.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on June 23, 2025, the close of the Notice of Drafting comment period.

#### **Synopsis:**

Pursuant to R.61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries, the Department licenses and regulates hospitals and institutional general infirmaries to ensure high quality services are provided and that safe and adequate treatment is provided. The Department proposes amending R.61-16 to: clarify what services and treatment are provided pursuant to the hospital license; address and clarify the provision of services and treatment on and off hospitals' campuses; add provisions regarding acute hospital care at home programs pursuant to S.C. Code Section 44-7-267 (2024 Act No. 164 (S.858)); update and clarify requirements related to the provision of perinatal services; make amendments related to the sunset of certificate of need related to hospitals pursuant to S.C. Code Section 44-7-160(C) (2023 Act No. 20 (S.164)); make other amendments to ensure high quality and safe treatment are provided in hospitals; and align regulations with applicable statutes.

The Department may also include changes such as corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

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

Document No. 5363  
**ATTORNEY GENERAL**  
**CHAPTER 13**

Statutory Authority: 1976 Code Sections 35-11-100 et seq.

- 13-2101. Definitions.
- 13-2201. Application for Money Transmission License.
- 13-2202. Application for Approval to Engage in Money Transmission.
- 13-2301. Application for Currency Exchange License.
- 13-2501. Public Records.
- 13-2701. Hearing on Orders of Suspension or Revocation.

**Synopsis:**

The Office of the Attorney General proposes to repeal certain regulations previously adopted under the South Carolina Anti-Money Laundering Act. The amended South Carolina Money Services Act (S.C. Code Ann. §35-11-100, et seq.) has recently been adopted, which rendered these regulations no longer necessary or appropriate. The Notice of Drafting regarding this regulation was published on September 27, 2024, in the *State Register*.

**Instructions:**

Regulations 13-2101, 13-2202, 13-2501 and 13-2701 are to be repealed as shown below. Regulations 13-2201 and 13-2301 are to be amended and printed as shown below. All other sections of Chapter 13 not mentioned below are to remain unchanged.

**Text:**

13-2101. Repealed.

13-2201. Application for Money Transmission License.

Incomplete application files will be closed and deemed denied without prejudice, and all fees paid forfeited, when the applicant has not submitted information requested by the Commissioner within forty-five days. The applicant may reapply by submitting a new application package and new application fee.

13-2202. Repealed.

13-2301. Application for Currency Exchange License.

Incomplete application files will be closed and deemed denied without prejudice, and all fees paid forfeited, when the applicant has not submitted information requested by the Commissioner within forty-five days. The applicant may reapply by submitting a new application package and new application fee.

13-2501. Repealed.

13-2701. Repealed.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

## 12 FINAL REGULATIONS

The regulations are being repealed and amended in response to the amending of the South Carolina Anti-Money Laundering Act to incorporate provisions of the Model Money Transmission Modernization Act which makes the continuing effectiveness of the current regulations unnecessary.

Document No. 5365  
**ATTORNEY GENERAL**  
CHAPTER 13

Statutory Authority: 1976 Code Sections 35-1-101 et seq.

13-203. Recognized Securities Manuals.

13-415. Registration Exemption for Investment Advisers to Private Funds. (New)

13-416. Registration Exemption for Merger and Acquisition Brokers. (New)

### Synopsis:

The Office of the Attorney General proposes to update, amend, and promulgate regulations regarding exemptions from registrations requirements, including for securities offerings relying on S.C. Code Ann Section 35-1-202(2), advisers to certain private funds, and merger and acquisition brokers. The Notice of Drafting regarding this regulation was published on September 27, 2024, in the *State Register*.

### Instructions:

Regulation 13-203 is to be amended and printed as provided below. Regulations 13-415 and 13-416 are to be printed immediately following R. 13-414. All other sections of Chapter 13 not mentioned below are to remain unchanged.

### Text:

13-203. Recognized Securities Manuals.

The following securities manuals are recognized under the provisions of Section 35-1-202(2)(D) of the South Carolina Uniform Securities Act of 2005, and the inclusion in any one of these manuals of the information specified in this Section concerning the issuer of the security, exempts such security from the requirements of Sections 35-1-301 through 35-1-306 and 35-1-504 of the South Carolina Uniform Securities Act of 2005: Mergent's Manuals; OTC Markets Group, Inc. with respect to securities included in the OTCQX and OTCQB markets.

13-415. Registration Exemption for Investment Advisers to Private Funds.

A. Definitions. For purposes of this regulation, the following definitions shall apply:

(1) "3(c)(1) fund" means a qualifying private fund that is eligible for the exclusion from the definition of an investment company under Section 3(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(1)).

(2) "Private fund adviser" means an investment adviser who provides advice solely to one or more qualifying private funds.

(3) "Qualifying private fund" means a private fund that meets the definition of a qualifying private fund in SEC Rule 203(m)-1 (17 C.F.R. 275.203(m)-1).

(4) "Venture capital fund" means a private fund that meets the definition of a venture capital fund in SEC Rule 203(l)-1 (17 C.F.R. 275.203(l)-1).

B. Exemption for Private Fund Advisers. Subject to the additional requirements of section C below, a private fund adviser shall be exempt from the registration requirements of Section 35-1-403 of the Act if the private fund adviser satisfies each of the following conditions:

- (1) Neither the private fund adviser nor any of its advisory affiliates are subject to an event that would disqualify an issuer under Rule 506(d)(1) of SEC Regulation D (17 C.F.R. 230.506(d)(1));
- (2) The private fund adviser files with the State each report and amendment thereto that an exempt reporting adviser is required to file with the Securities and Exchange Commission pursuant to SEC Rule 204-4 (17 C.F.R. 275.204-4); and
- (3) The private fund adviser pays the fees specified in Section 35-1-702 of the Act for Investment Advisers.

C. Additional Requirements for Private Fund Advisers to Certain 3(c)(1) Funds. In order to qualify for the exemptions described in section B above, a private fund adviser who advises at least one 3(c)(1) fund that is not a venture capital fund shall, in addition to satisfying each of the conditions specified in subsections B(1) through B(3), comply with the following requirements:

(1) The private fund adviser shall advise only those 3(c)(1) funds (other than venture capital funds) whose outstanding securities (other than short-term paper) are beneficially owned entirely by persons who, at the time that the securities are purchased from the issuer, would each either meet the definition of (i) an accredited investor in SEC Rule 501(a) (17 C.F.R. 230.501(a)), or (ii) a qualified client as defined in SEC Rule 205-3(d) (17 C.F.R. 275.205-3(d)) under the Investment Advisers Act of 1940 (or by persons that have subsequently acquired such securities by gift or bequest, or pursuant to an agreement related to a legal separation or divorce);

(2) At the time of purchase, the private fund adviser shall disclose the following in writing to each beneficial owner of a 3(c)(1) fund that is not a venture capital fund:

- (a) All services, if any, to be provided to individual beneficial owners;
- (b) All duties, if any, the private fund adviser owes to the beneficial owners; and
- (c) Any other material information affecting the rights or responsibilities of the beneficial owners;

(3)(a) The private fund adviser shall obtain on an annual basis audited financial statements of each 3(c)(1) fund that is not a venture capital fund, and shall deliver a copy of such audited financial statements to each beneficial owner of the fund within 120 days of the end of the fiscal year (or 150 days for a fund of funds);

(b) If a 3(c)(1) fund that is not a venture capital fund begins operations more than 180 days into a fiscal year, the private fund adviser need not comply with subsection (3)(a) above for that initial fiscal year, provided that the financial audit for the fiscal year immediately succeeding this period is supplemented by, or includes, a financial audit of the initial fiscal year; and

(4) A private fund adviser may not enter into, perform, renew, or extend an investment advisory contract that provides for compensation to the private fund adviser on the basis of a share of (i) the capital gains upon (ii) or the capital appreciation of, the funds, or any portion of the funds, of an investor who is not a qualified client unless the private fund adviser discloses in writing to the client all material information concerning the proposed fee arrangement, including the following:

(a) The fee arrangement may create an incentive for the private fund adviser to make investments that are riskier or more speculative than would be the case in the absence of a performance fee;

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(b) Where relevant, that the private fund adviser may receive increased compensation with regard to unrealized appreciation as well as realized gains in the client's account;

(c) The periods that will be used to measure investment performance throughout the contract and their significance in the computation of the fee;

(d) The nature of any index that will be used as a comparative measure of investment performance, the significance of the index, and the reason the private fund adviser believes that the index is appropriate; and

(e) Where the private fund adviser's compensation is based in part on the unrealized appreciation of securities for which market quotations are not readily available within the meaning of Rule 2a-4(a)(1) under the Investment Company Act of 1940, how the securities will be valued and the extent to which the valuation will be independently determined.

D. Private fund advisers that manage funds aggregating less than \$25 million shall be exempt from the provisions of subsections B(2), B(3), and C(3) above.

E. Federal Covered Investment Advisers. If a private fund adviser is registered with the Securities and Exchange Commission, the adviser shall not be eligible for this exemption and shall comply with the state notice filing requirements applicable to federal covered investment advisers in Section 35-1-405 of the Act.

F. Investment Adviser Representatives. A person is exempt from the registration requirements of Section 35-1-404 of the Act if he or she is employed by or associated with an investment adviser that is exempt from registration in this state pursuant to this regulation and does not otherwise act as an investment adviser representative.

G. Electronic Filing. The report filings described in subsection B(2) above shall be made electronically through the IARD. A report shall be deemed filed when the report and the fee required by Section 35-1-702 of the Act are filed and accepted by the IARD on the state's behalf.

H. Transition. An investment adviser who becomes ineligible for the exemption provided by this regulation must comply with all applicable laws and rules requiring registration or notice filing within ninety (90) days from the date the investment adviser's eligibility for this exemption ceases; provided that R. 13-502(A)(18) shall not apply to any investment adviser exempt from registration by this regulation or to the performance of any advisory contract entered into by such investment adviser at a time when such investment adviser was exempt from registration by this regulation.

I. Waiver Authority with Respect to Statutory Disqualification. Subsection B(1) above shall not apply upon a showing of good cause and without prejudice to any other action of the Securities Commissioner, if the Securities Commissioner determines that it is not necessary under the circumstances that an exemption be denied.

J. Cross References. Where in this regulation reference is made to specific state and federal laws, it shall be understood that such references are intended to include such laws as they now exist or may hereafter be amended so as to carry out the intent of this regulation, unless the contrary is provided herein.

K. Nothing in this exemption is intended to relieve or should be construed as in any way relieving an investment adviser from the anti-fraud provisions of the Act.

### 13-416. Registration Exemption for Merger and Acquisition Brokers.

A. Except as provided in sections B and C below, a Merger and Acquisition Broker shall be exempt from registration pursuant to Section 35-1-401.

B. Excluded Activities. A Merger and Acquisition Broker is not exempt from registration under this regulation if such broker does any of the following:

(1) directly or indirectly, in connection with the transfer of ownership of an eligible privately held company, receives, holds, transmits, or has custody of the funds or securities to be exchanged by the parties to the transaction;

(2) engages on behalf of an issuer in a public offering of any class of securities that is registered, or is required to be registered, with the United States Securities and Exchange Commission under Section 12 of the Securities Exchange Act of 1934, 15 U.S.C. 781, or with respect to which the issuer files, or is required to file, periodic information, documents, and reports under the Securities Exchange Act of 1934 Section 15 subsection (d), 15 U.S.C. 78o(d);

(3) engages on behalf of any party in a transaction involving a shell company, other than a business combination related shell company;

(4) directly, or indirectly through any of its affiliates, provides financing related to the transfer of ownership of an eligible privately held company;

(5) assists any party to obtain financing from an unaffiliated third party without

(a) complying with all other applicable laws in connection with such assistance, including, if applicable, Regulation T (12 C.F.R. 220 et seq.); and

(b) disclosing any compensation in writing to the party;

(6) representing both the buyer and the seller in the same transaction without providing clear written disclosure as to the parties the broker represents and obtaining written consent from both parties to the joint representation;

(7) facilitates a transaction with a group of buyers formed with the assistance of the Merger and Acquisition Broker to acquire the eligible privately held company;

(8) engages in a transaction involving the transfer of ownership of an eligible privately held company to a passive buyer or group of passive buyers; or

(9) binds a party to a transfer of ownership of an eligible privately held company.

C. Disqualifications. A Merger and Acquisition Broker is not exempt from registration under this regulation if such a broker, including any officer, director, member, manager, partner or employee of such broker:

(1) has been barred from association with a broker or dealer by the Securities Commissioner, any state, or any self-regulatory organization; or

(2) is suspended from association with a broker or dealer.

D. Nothing in this regulation shall be construed to limit any other authority of the Securities Commissioner to exempt any person, or any class of persons, from any provision of the South Carolina Uniform Securities Act of 2005, or from any provision of any rule or regulation thereunder.

E. Definitions. As used in this regulation,



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(1) “Business Combination Related Shell Company” means a shell company that is formed by an entity that is not a shell company

(a) solely for the purpose of changing the corporate domicile of that entity solely within the United States; or

(b) solely for the purpose of completing a business combination transaction, as defined under Section 230.165(f) of title 17, Code of Federal Regulations, among one or more entities other than the company itself, none of which is a shell company.

(2) “Control” means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. There is a presumption of control if, upon completion of a transaction, the buyer or group of buyers

(a) has the right to vote twenty-five percent or more of a class of voting securities or the power to sell or direct the sale of twenty-five percent or more of a class of voting securities; or

(b) in the case of a partnership or limited liability company, has the right to receive upon dissolution, or has contributed, twenty-five percent or more of the capital.

(3) “Eligible Privately Held Company” means a privately held company that meets both of the following conditions:

(a) the company does not have any class of securities registered, or required to be registered, with the United States Securities and Exchange Commission under Section 12 of the Securities Exchange Act of 1934, 15 U.S.C. 781, or with respect to which the company files, or is required to file, periodic information, documents, and reports under subsection (d), 15 U.S.C. 78o(d); and

(b) in the fiscal year ending immediately before the fiscal year in which the services of the Merger and Acquisition Broker are initially engaged with respect to the securities transaction, the company meets either or both of the following conditions, determined in accordance with the historical financial accounting records of the company:

(i) the earnings of the company before interest, taxes, depreciation, and amortization are less than twenty-five million dollars; or

(ii) the gross revenues of the company are less than two hundred fifty million dollars.

(4) “Merger and Acquisition Broker” means a broker, and any person associated with a broker engaged in the business of effecting securities transactions solely in connection with the transfer of ownership of an eligible privately held company, regardless of whether the broker acts on behalf of a seller or buyer, through the purchase, sale, exchange, issuance, repurchase, or redemption of, or a business combination involving securities or assets of the eligible privately held company if the broker reasonably believes that

(a) upon consummation of the transaction, any person acquiring securities or assets of the eligible privately held company, acting alone or in concert

(i) will control and, directly or indirectly, will be active in the management of the eligible privately held company or the business conducted with the assets of the eligible privately held company; and

(ii) directly or indirectly, will be active in the management of the eligible privately held company or the business conducted with the assets of the eligible privately held company; and with the assets of the eligible privately held company, including without limitation, for example, by

- (A) electing executive officers;
- (B) approving the annual budget;
- (C) serving as an executive or other executive manager; or

(D) carrying out such other activities as the Securities Commissioner may, by rule, determine to be in the public interest; and

(b) if any person is offered securities in exchange for securities or assets of the eligible privately held company, such person will, prior to becoming legally bound to consummate the transaction, receive or have reasonable access to the most recent fiscal year-end financial statements of the issuer of the securities as customarily prepared by the management of the issuer in the normal course of operations and, if the financial statements of the issuer are audited, reviewed, or compiled, any related statement by the independent accountant, a balance sheet dated not more than one hundred twenty days before the date of the offer, and information pertaining to the management, business, results of operations for the period covered by the foregoing financial statements, and material loss contingencies of the issuer.

(5) “Shell Company” means a company that at the time of a transaction with an eligible privately held company

(a) has no or nominal operations; and

(b) has no or nominal assets, assets consisting solely of cash and cash equivalents, or assets consisting of any amount of cash and cash equivalents and nominal other assets.

(F) Inflation Adjustment. Each dollar amount in subsection (E)(3)(b) above shall be adjusted as follows:

(1) on the date that is five years after the date of the enactment of this regulation, and every five years thereafter, by dividing the annual value of the Employment Cost Index For Wages and Salaries, Private Industry Workers, or any successor index, as published by the Bureau of Labor Statistics, for the calendar year preceding the calendar year in which the adjustment is being made by the annual value of such index for the calendar year ending December 31, 2025, and multiplying the quotient obtained by such dollar amount in subsection (E)(3)(b) above; and

(2) each dollar amount determined under subsection (F)(1) above shall be rounded to the nearest multiple of one hundred thousand dollars.

Fiscal Impact Statement:

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

#### **Statement of Rationale:**

The regulations are being added to reflect updates in state and federal securities laws, keep South Carolina competitive in the financial industry, and to promulgate previously adopted orders of the Securities Commissioner.

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Document No. 5271  
**SOUTH CAROLINA CONSERVATION BANK**  
CHAPTER 16  
Statutory Authority: 1976 Code Section 48-59-70(M)

16-10. Procurement of Appraisal Services. (New)

### **Synopsis:**

The South Carolina Conservation Bank (Bank) proposes to add a new regulation addressing circumstances under which the Bank may procure independent appraisals of properties intended for conservation.

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

16-10. Adds new regulation regarding the procurement of appraisal services.

The Notice of Drafting was published in the *State Register* on April 26, 2024.

### **Instructions:**

Print the regulation as shown below. All other items remained unchanged.

### **Text:**

16-10. Procurement of Appraisal Services.

A. The South Carolina Conservation Bank (Bank) may only authorize grants to Qualified Entities to purchase interests in land for conservation at or below fair market value, as determined by a qualified appraisal. In no case may grant funds be used to acquire interests in lands at a price that exceeds its appraised fair market value. In order to establish the fair market value of the real estate interests, the Bank's Board shall require a qualified appraisal as a condition of any grant agreement.

B. The Bank may only accept appraisals from qualified appraisers who demonstrate experience in evaluating land for conservation purposes, who have attended the Bank's Conservation Transactions seminar, and verified their current SCLLR license (Approved Appraisers). The Bank shall maintain the Approved Appraisers list on its website for public viewing.

C. The Bank shall establish reasonable procedures to ensure the confidentiality of appraisals on pending applications up until any public hearings on the matter. The qualified entity and the landowner shall acknowledge and agree in the application that the Bank may discuss the appraisal at the public hearing in which the grant funding request is under review.

D. The Bank may rely upon an appraisal commissioned by the Qualified Entity, provided that the report names the Bank as an intended user. The Bank may choose to accept the submitted appraisal or, in the event the Bank Board or Bank staff has questions or concerns about its content or conclusions, request an independent review of the appraisal to verify that it meets industry standards and maintains an acceptable level of quality and reliability. The findings of the independent review shall be reported back to the Board to take into consideration when reviewing the submitted application for funding. In the event that the independent review determines that the applicant's submitted appraisal does not meet industry standards, the Bank may hire an Approved Appraiser to conduct a second independent appraisal of the property. If the Bank's appraisal has a discrepancy greater than 10% from the original appraisal, the Bank or the Qualified Entity may choose to hire a third-party appraiser from the Approved Appraiser list to mediate the matter and find an acceptable valuation to all parties. Under no

circumstances shall the Bank accept an appraisal that does not meet its internal or industry standards or be compelled to authorize funds to a project in which it does not have confidence in the valuation.

**Fiscal Impact Statement:**

The Bank does not anticipate any additional cost to the State, its political subdivisions, or the public as a result of the proposed promulgation of these regulations.

**Statement of Rationale:**

Regulation 16-10 will be added to procure independent appraisal services.

Document No. 5302  
**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY**  
 CHAPTER 37  
 Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-024. Investigation of Events Requiring Withdrawal of Certification; Notification to Officer.

**Synopsis:**

S.C. Code Section 23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Section 23-23-10 et seq. The proposed regulation will state when the Law Enforcement Training Council may initiate an investigation into misconduct and notification requirements to the Officer.

Section-by-Section Discussion:

37-024. This section explains when the Law Enforcement Training Council may initiate an investigation into reported events which require withdrawal of a law enforcement officer's certification. The section also states requirements for notification to the Officer.

The Notice of Drafting was published in the *State Register* on May 24, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

37-024. Investigation of Events Requiring Withdrawal of Certification; Notification to Officer.

A. Upon receipt of a report pursuant to R.37-023, or if an officer willfully provides materially false information to the Criminal Justice Academy, the Council may initiate an investigation into reported events which require withdrawal of the law enforcement officer's certification.

B. The Director and/or Council may suspend the certification of any law enforcement officer pending the outcome of an investigation initiated pursuant to paragraph (A) above.

C. A law enforcement officer who is the subject of an investigation shall be notified of its initiation on a form prescribed by the Council, sent by certified mail to the current address on file at the Academy, return receipt requested, as soon as practicable after the investigation is initiated.

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D. Duplicate of such notice shall be sent, in the same manner prescribed in paragraph (C) above, to the current sheriff or chief executive officer of the employing agency or department of the law enforcement officer.

E. The Council may direct that the investigation, on its behalf, be conducted. The investigation shall be sent to the Council for its confidential use and review.

F. Where the Council's investigation indicates that withdrawal of the law enforcement officer's certification is not warranted, the Council shall notify the law enforcement officer and the sheriff or chief executive officer of the employing law enforcement agency of its finding, in accordance with the notice provisions of paragraphs (C) and (D) above.

G. Where the Council's investigation indicates that withdrawal of the law enforcement officer's certification is warranted, the Council shall proceed in accordance with R.37-027.

H. Where the Council's investigation indicates that withdrawal of the law enforcement officer's certification is warranted, due to the law enforcement officer willfully providing materially false information to the Criminal Justice Academy, and the officer requests a contested case hearing pursuant to R.37-101, an attorney from the Criminal Justice Academy shall prosecute the allegation pursuant to R.37-103 and a member of the Council shall be the hearing officer.

### **Fiscal Impact Statement:**

There will be no fiscal impact from this change.

### **Statement of Rationale:**

Revisions to this regulation are necessary to ensure potential misconduct is investigated and prosecuted when necessary.

Document No. 5304  
**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY**  
CHAPTER 37  
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-108. Sanctions.

### **Synopsis:**

S.C. Code Section 23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Section 23-23-10 et seq. The proposed changes will update the language to be consistent with rest of the Chapter.

The Notice of Drafting was published in the *State Register* on May 24, 2024.

### **Instructions:**

Print the regulation as shown below. All other items remain unchanged.

### **Text:**

37-108. Sanctions.

A. If any candidate/officer/operator is found by preponderance of the evidence to have committed misconduct as defined by R.37-025, R.37-026, R.37-073 and/or R.37-074, such candidate/officer/operator may be sanctioned by the Council as follows, in any combination:

1. Permanent denial and/or revocation (withdrawal) of certification;
2. Denial and/or revocation (withdrawal) of certification for a specified amount of time;
3. Certification granted with probation;
4. Certification granted with any additional requirements deemed just and proper by the Council; and/or
5. Public reprimand.

B. Any candidate/officer/operator may at any time voluntarily consent to sanctions under this section. Any such consent must:

1. Be in writing on a form prescribed by the Council;
2. Be signed by the candidate/officer/operator;
3. If the candidate/officer/operator has legal counsel at the time they consent to sanctions, then the candidate/officer/operator must be allowed to consult with their legal counsel regarding the consent to sanctions and the consent to sanctions must be signed by the legal counsel;
4. If criminal prosecution is declined in consideration of the consent to sanctions, then the consent to sanctions must specifically state the same;
5. Must be notarized; and
6. Must be approved by Council.

**Fiscal Impact Statement:**

There will be no fiscal impact from this change.

**Statement of Rationale:**

Revisions are necessary to create consistency within Chapter 37.

Document No. 5359  
**STATE BOARD OF EDUCATION**  
CHAPTER 43  
Statutory Authority: 1976 Code Section 59-5-60

43-262. Assessment Program.

**Synopsis:**

Regulation 43-262.I. outlines the statewide assessment program, including the testing of public-school students at selected grade levels and in selected content and skill areas. The SCDE proposes to update outdated language in the regulation. Specifically, the No Child Left Behind Act is no longer in effect. It was replaced with the Every

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Student Succeeds Act in 2015. Changing the name to Every Student Succeeds Act (ESSA) or prevailing legislation would allow the regulation to be updated to the current legislation and allow for change in the future without a request for a regulation change.

Additionally, the name of the state summative assessment, South Carolina Palmetto Assessment of State Standards, SCPASS, is no longer in use. SC READY replaced that assessment and is the current assessment. By changing the name to SC READY or the corresponding state assessment would allow the regulation to be updated to the current test and allow for change in the future without a regulation change request.

This updates the current names of items and provides for prevailing terminology in future updates.

The Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on August 23, 2024.

### Instructions:

Print the regulation as shown below. All other items remain unchanged.

### Text:

43-262. Assessment Program.

#### I. STATEWIDE ASSESSMENT PROGRAM

A. The Education Accountability Act of 1998 (EAA), S.C. Code Ann. Section 59-18-310, and the Every Student Succeeds Act of 2015 (ESSA) or prevailing federal legislation, 20 U.S.C. Section 6301, et seq. require that the State Board of Education develop or adopt a statewide assessment program in certain grades and selected content/skill areas.

B. The statewide assessment program will involve testing public school students at selected grade levels and in selected content and skill areas at times specified by the South Carolina Department of Education (SCDE). The grade(s) and content/skill areas to be included in the assessment program are identified by the EAA, ESSA or prevailing federal legislation, and State Board of Education regulations.

The statewide assessment program includes assessments administered to assist in the identification of students for participation in programs for the gifted and talented, and assessments administered for accountability purposes, including but not limited to the following:

SC READY or the corresponding state assessment;

South Carolina Alternate Assessment (SC-Alt); and

End-of-Course Examination Program.

C. The program is funded through an annual appropriation included in the South Carolina General Appropriations Act. The request for such funding is included in the annual budget request of the State Superintendent of Education. Continued operation of the program is contingent upon the availability of funds.

D. The following are responsibilities of the SCDE for assessments in which school districts are required to participate.

1. Supply all necessary test materials regardless of the testing format, (e.g., paper/pencil, online, customized), scoring, and standard score reports at no cost to the local school districts. Test materials do not include hardware or software for online testing.

2. Pay all shipping costs for the transportation of test materials and score reports between the SCDE, school districts, and scoring service(s).

3. Provide workshops on test administration, interpretation, and utilization for district test coordinators and other selected staff.

4. Report the statewide results of the program to the State Board of Education on an annual basis.

5. The SCDE will report statewide and school district test results as may be necessary for accurate and meaningful interpretation.

6. Test data for individuals shall be released only in a manner that is consistent with the provisions of Section 438 (Privacy Rights of Parents and Students) of the General Education Provisions Act (Title IV of Public Law 90-247, as amended) and any other relevant legislation, including but not limited to Act 200 of 2014.

7. Field/pilot-test, at the discretion of the State Superintendent of Education, new assessment instruments and/or procedures and recommend changes in the Statewide Assessment Program to the State Board of Education, the Education Oversight Committee, and other appropriate policy-making bodies.

E. The participation of local school districts in the statewide testing program is required under Section 59-20-60(7)(c) of the South Carolina Education Finance Act and the South Carolina Education Accountability Act of 1998. The following are responsibilities of local school districts.

1. As used in these regulations, “local school district” shall mean public school districts, the South Carolina Public Charter School District, a public or independent institution of higher learning serving as a charter school sponsor pursuant to the South Carolina Charter Schools Act, as well as other publicly funded educational institutions providing instruction to public school students.

2. Designate one or more district test coordinators (DTCs) who will be the point of contact for the SCDE or its contractors as well as attend the workshops provided by the SCDE. The DTC is responsible for ensuring that school test coordinators (STCs) and test administrators are trained. DTCs and/or STCs are responsible for the distribution, receipt, storage, and return of test materials and reports.

3. Administer the tests (including field/pilot tests) in accordance with procedures and at dates and times specified by the SCDE.

F. Students with disabilities shall be included in the assessment program in compliance with the provisions of South Carolina and federal statutes and regulations.

G. The State Superintendent of Education is authorized to develop and implement such administrative procedures as he or she may deem necessary and appropriate for the purpose of implementing the South Carolina Statewide Assessment Program. Any administrative action taken under this regulation will be presented to the State Board of Education during the next regularly scheduled meeting of the Board.

#### H. End-of-Course Examination Program (EOCEP)

1. Gateway courses in English/language areas, mathematics, science, and social studies as required in Section 59-18-310 of the EAA will be defined by the State Board of Education. The End-of-Course test for social studies is the United States History and the Constitution.



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### 2. Purposes and Uses

a. The purposes and uses of the end-of-course examinations shall be as follows:

i. The examinations shall encourage instruction in the specific academic standards for the courses, encourage student achievement, and document the level of students' mastery of the academic standards.

ii. The examinations shall serve as indicators of program, school, and school district effectiveness in the manner prescribed by the Education Oversight Committee in accordance with the provisions of the Education Accountability Act of 1998 (EAA).

iii. The examinations shall be weighted 20 percent in the determination of students' final grades in the gateway courses.

b. The examination may be used for such other purposes as the State Board of Education may determine to be appropriate and consistent with the Standards for Educational and Psychological Testing (Joint Standards) of the American Psychological Association, the American Educational Research Association, and the National Council on Measurement in Education.

3. The content of the subject-area examinations that are selected or developed pursuant to the provisions of this policy shall be aligned with the academic standards approved by the State Board of Education.

4. Student performance standards for the examinations shall be established by the SCDE.

5. The academic standards for the examinations shall be reviewed on a schedule that is consistent with the requirements of the EAA. Following any revisions of the academic standards, the examinations will be reviewed and revised as necessary to ensure their continued alignment with the standards.

6. Students who are enrolled in the gateway courses shall be provided with copies of the academic standards that pertain to those particular courses. Students will be advised that the final examination for each gateway course will be based on the skills and content represented in the academic standards. District personnel shall provide this information to students no later than the first day of instruction in the course.

## II. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP)

NAEP tests will be administered annually to samples of students. Schools selected for NAEP will participate in the assessment program as prescribed by NAEP policies.

### **Fiscal Impact Statement:**

No additional funding is requested. The South Carolina Department of Education (SCDE) estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43-262.

### **Statement of Rationale:**

Amendments to the regulation will update the name of the assessment and prevailing legislation.

Document No. 5318  
**STATE BOARD OF EDUCATION**  
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-5-65, 59-18-110, 59-18-300, 59-18-310(B),  
 59-18-320(C), 59-25-110, 59-26-10 et seq., 59-29-10 et seq., 59-33-30, 59-53-1810,  
 20 U.S.C. Section 1232(g), 20 U.S.C. Section 6301 et seq., and Pub. L. No. 114-95

43-64. Requirements for Certification at the Advanced Level.

**Synopsis:**

The State Board of Education proposes to amend R.43-64: Requirements for Certification at the Advanced Level to update and streamline requirements for educators to become certified in leadership and administrative fields and in instructional service fields.

The Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on August 23, 2024.

**Instructions:**

Entire regulation is to be replaced with the following text.

**Text:**

43-64. Requirements for Certification at the Advanced Level.

**I. ADMINISTRATION**

**A. School Principal: Tier 1 (PK-Grade 12)**

To add certification in the field of School Principal: Tier 1 (PK-Grade 12), an individual must meet the following requirements:

1. Master's degree from an institution that meets State Board of Education accreditation requirements;
2. Valid South Carolina Professional educator certificate;
3. Completion of a graduate-level preparation program approved by the State Board of Education for the training and preparation of school principals;
4. Verification of at least three years of educator experience; and
5. Qualifying score on the subject area assessment required by the State Board of Education for the certification of school leaders.

No later than September 1, 2026, South Carolina educator preparation providers with approved programs leading to principal certification must ensure coursework and field experiences are aligned with requirements to prepare leadership candidates to work in PK-Grade 12 settings.

**B. School Principal: Tier 2 (PK-Grade 12)**

To be eligible for advancement from School Principal: Tier 1 to School Principal: Tier 2, a school leader must demonstrate:

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1. Successful completion of the Principal Induction Program (PIP) in the first year of employment as a principal; and

2. An overall rating of Proficient or Exemplary on the Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP) evaluation instrument in the second year of employment as a principal.

### C. Transition from Elementary and Secondary Principal Certification Grade Spans

Individuals certified as School Principal: Elementary (Tier 1 or Tier 2) or School Principal: Secondary (Tier 1 or Tier 2) may retain these certification fields or may add the certification field of School Principal: Tier 1 (PK-Grade 12) or School Principal: Tier 2 (PK-Grade 12) by meeting one of the following requirements:

1. Successful completion of a graduate-level internship course in the complementary grade span documented on an official transcript and verification issued by an institution offering a program for the preparation of school principals approved by the State Board of Education; or

2. One year of successful experience as an assistant principal or principal in the complementary grade span. If needed and, at the request of the employing school district, the individual may be issued a one-year permit in the complementary grade span and will be eligible to add the PK-12 leadership field in full upon completion of the year of experience and recommendation of the employing district.

### D. School Principal: Tier 1 (PK-Grade 12) Career Changers Alternative Principal Pathway (CCAPP)

To be eligible for participation in CCAPP, an individual must meet the following requirements:

1. Master's degree from an institution that meets State Board of Education accreditation requirements;

2. Verification of at least three years of successful experience in leadership, supervision, upper-level management, or other position in a business, corporation, agency, or the military with responsibilities similar to those of a school principal;

3. Recommendation for participation in CCAPP by the superintendent of a South Carolina public school district interested in employing the individual as an assistant principal; and

4. Issuance of a one-year alternative route educator certificate in School Principal: Tier 1 (PK-Grade 12) that may be renewed annually for two additional years with documentation of successful performance evaluations and progress in CCAPP as follows:

- (a) Year One: During the first year of program participation, the district and the SCDE must develop the individualized learning plan for the educator. At the end of this year, the employing school district must submit to the South Carolina Department of Education (SCDE) verification that the educator has met the first year requirements of the individualized plan, has completed a full year of experience as an assistant principal in a public school, has received a passing score on the subject area assessment required for certification of principals by the State Board of Education, and has received a successful rating on an SCDE-approved evaluation instrument from the employing school district. Additionally, the employing school district must submit a written request for the one-year extension of the educator's certificate.

- (b) Year Two: At the end of the second year of CCAPP participation, the employing school district must submit to the SCDE verification that the educator has met the second-year requirements of the individualized plan, completed a second full year of experience as an assistant principal in a public school, and has received a successful rating on an SCDE-approved evaluation instrument from the employing school district. The employing school district must also submit a written request for the one-year extension of the educator's certificate.

(c) Year Three: At the end of the third year of CCAPP participation, the employing school district must submit to the SCDE verification that the educator has met the third-year requirements of the individualized plan, completed a third full year of experience as an assistant principal in a public school, has received a successful rating on an SCDE-approved evaluation instrument from the employing school district, and has completed all requirements of the CCAPP professional learning plan. Upon documentation that all CCAPP requirements have been met during the three-year program, the SCDE will issue the five-year renewable Professional certificate in School Principal: Tier 1 (PK-Grade 12).

#### E. Specialized Endorsement for School Transformational Leaders Academy

Pursuant to Regulation 43-62, Areas of Certification, the SCDE in consultation with the State Board has the authority to establish specialized certification endorsements to provide educators the opportunity to enhance their professional knowledge and skills and to have this additional preparation and training reflected on an educator certificate. In order to enhance the specialized skills of educators leading turnaround schools, the transformational leaders academy will prepare selected educators in transformational strategies in order to lead persistently low-achieving schools in raising student achievement.

In order to be issued the endorsement, the educator must hold a valid Professional certificate and successfully complete all requirements of the transformational leaders academy.

#### F. District Superintendent

To add certification in the field of District Superintendent, an individual must meet the following requirements:

1. Master's degree from an institution that meets State Board of Education accreditation requirements;
2. Valid South Carolina Professional educator certificate;
3. Completion of a graduate-level preparation program approved by the State Board of Education for the training and preparation of district superintendents;
4. Verification of at least three years of educator experience; and
5. Qualifying score on the subject area assessment required by the State Board of Education for the certification of district-level leaders.

#### G. District Superintendent (Alternative Route for Career Changers)

1. Master's degree from an institution that meets State Board of Education accreditation requirements.
2. Verification of at least ten years of successful experience in a senior position(s) of leadership, such as chief executive officer in a business, corporation or agency, military officer, or other position with responsibilities similar to those of a district superintendent.
3. Recommendation for certification by a local school board in a South Carolina public school district interested in employing the individual as a superintendent.
4. Submission of a plan of study by the local school board that the individual must complete within three years to include, at a minimum, the areas of curriculum and instruction, school finance, and school law. Within the first year of employment as a district superintendent, the candidate must also submit a passing score on subject area assessment required by the State Board of Education for the certification of district superintendents.

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5. Issuance of the first one-year alternative route educator certificate. This certificate may be extended annually for two additional years at the request of the local school board based on verification of successful performance reviews.

6. Issuance of a professional certificate upon completion of the specified program of study, and minimum qualifying scores on the required certification examination(s), and the recommendation by the local school board after three years of successful service as superintendent.

### H. Career and Technology (CTE) Center Director

To add certification in the field of CTE Center Director, an individual must meet the following requirements:

1. Valid South Carolina Professional educator certificate in both a school principal field and one of the following classroom teaching fields:

- (a) Agriculture
- (b) Family and Consumer Sciences
- (c) Technology and Engineering Education
- (d) Business and Marketing Education
- (e) Any CTE work-based certification field approved by the State Board of Education

OR

2. Valid South Carolina Professional educator certificate in a school principal field and three years of experience as a director or assistant director in a CTE Center;

OR

3. Master's degree from a State Board of Education approved teacher education program in vocational education, including fifteen semester hours in administration, and a Professional educator certificate in one of the following classroom teaching fields:

- (a) Agriculture
- (b) Family and Consumer Sciences
- (c) Technology and Engineering Education
- (d) Business and Marketing Education
- (e) Any CTE work-based certification field approved by the State Board of Education

The fifteen semester hours in administration required above must be selected from the areas listed below:

- (a) General School Administration
- (b) School Personnel Administration
- (c) Techniques of School or Instructional Supervision
- (d) School Law
- (e) School Finance
- (f) Human Growth and Development
- (g) Curriculum Development

AND

4. Qualifying score on the area examination subject area assessment required by the State Board of Education for the certification of school principals;

AND

5. Verification of five years of experience as a pre-K-12 or postsecondary teacher, school or school district administrator, postsecondary administrator, or business administrator.

## II. INSTRUCTIONAL SERVICE FIELDS

### A. School Counselor

To add certification in the field of School Counselor, an individual must meet the following requirements:

1. Master's degree from an institution that meets State Board of Education accreditation requirements;
2. Completion of an advanced program approved by the State Board of Education for the preparation of school counselors; and
3. Qualifying score on the subject area assessment required by the State Board of Education for the certification of school counselors.

The State Board of Education is authorized to approve guidelines for individuals currently certified in Elementary or Secondary School Counselor to add the complementary field and/or PK-12 certification field of School Counselor and to establish program approval standards for colleges and universities to develop pathways for other types of professional counselors to become certified in the field of School Counselor.

### B. School Psychologist

To add certification in the field of School Psychologist, an individual must meet the following requirements:

1. Completion of a state-approved certification program meeting State Board of Education requirements for the preparation of school psychologists;

OR

2. Completion of a preparation program for school psychologists approved by the National Association of School Psychologists;

AND

3. Qualifying score on a subject area assessment accepted by the State Board of Education for the certification of school psychologists.

### C. Speech Language Pathologist

To add certification in the field of Speech Language Pathologist, an individual must meet the following requirements:

1. Completion of a state-approved certification program at the master's level or higher meeting State Board of Education requirements for the preparation of speech-language pathologists;

OR

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2. Completion of a preparation program for speech-language pathologists at the master's level or higher approved by the Council of Academic Accreditation in Speech-Language Pathology of the American Speech-Language-Hearing Association;

AND

3. Qualifying score on a subject area assessment accepted by the State Board of Education for the certification of speech-language pathologists;

AND

4. Active license issued by the South Carolina Department of Labor, Licensing, and Regulation (LLR) to practice speech-language pathology in the state or eligibility to practice speech-language pathology in South Carolina through compact privilege issued by the Audiology & Speech-Language Pathology Interstate Compact (ALSP-IC).

The State Board of Education discontinued the issuance of educator certificates in the field of Speech-Language Therapist effective September 1, 2020; however, educators certified in the field of Speech-Language Therapist prior to September 1, 2020, may serve in that capacity so long as they continue to maintain a valid educator certificate. An educator certified in the field of Speech-Language Therapist may update the educator certificate to Speech-Language Pathologist by presenting an active license to practice speech-language pathology issued by LLR.

### D. School Librarian

To add certification in the field of School Librarian, an individual must meet the following requirements:

1. Master's degree from an institution that meets State Board of Education accreditation requirements;
2. Completion of an advanced program approved by the State Board of Education for the preparation of school librarians; and
3. Qualifying score on the subject area assessment required by the State Board of Education for the certification of school librarians.

### **Fiscal Impact Statement:**

No additional funding is requested. The South Carolina Department of Education (SCDE) estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43-64.

### **Statement of Rationale:**

State Board of Education Regulation 43-64 governs the requirements for educators to become certified in leadership and administrative fields and in instructional service fields. Amendments to the regulation will update certification field titles and terminology to conform with current practice and State Board of Education guidelines, streamline principal certification to encompass a Pre-kindergarten through grade 12 grade span, and clarify other certification requirements at the advanced level.

Document No. 5283  
**STATE BOARD OF FINANCIAL INSTITUTIONS**  
 CHAPTER 15  
 Statutory Authority: 1976 Code Section 34-26-210

15-42. Authority to Engage in Activities Authorized for Federally Chartered Institutions.

**Synopsis:**

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-42 as it references repealed sections of the South Carolina Code, and because its language conflicts with existing statutory branching provisions, and because credit union trust powers are now addressed in Section 34-26-940.

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

**Instructions:**

Repeal the regulation in its entirety.

**Text:**

15-42. Repealed.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

R.15-42 references repealed sections of the South Carolina Code, and its language conflicts with existing statutory branching provisions. Credit union trust powers are now addressed in Section 34-26-940. The State Board of Financial Institutions proposes to delete this regulation.

Document No. 5286  
**STATE BOARD OF FINANCIAL INSTITUTIONS**  
 CHAPTER 15  
 Statutory Authority: 1976 Code Section 34-26-210

15-50. Declaration of Dividends by State-chartered Credit Unions.

**Synopsis:**

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-50 to incorporate languages that clarifies the meaning of Section 34-26-710 regarding the declaring and paying of dividends by a credit union.

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.



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### Instructions:

Amend the regulation as follows.

### Text:

15-50. Declaration of Dividends by State-chartered Credit Unions.

(1) For purposes of declaring and paying dividends in accordance with S.C. Code Section 34-26-710, the following definitions shall be applied:

(a) “Current Earnings” is defined as fiscal year-to-date Net Income (after the payment of prior dividends during the current fiscal year) less any transfers to the Regular Reserves that a credit union must fund through year-to-date income.

(b) “Undivided Earnings” is defined as the post-closing balance of the Undivided Earnings account as of the end of the prior fiscal year and adjusted for any decreases during the current year that were funded by Undivided Earnings.

(2) A credit union may declare a dividend that is to be paid from Undivided Earnings without making a written request to the Commissioner of Banking for a prior approval if:

(a) after the dividend payment, the credit union will have a net worth ratio (as defined by 12 C.F.R §702.2) of at least 8%;

(b) the credit union’s rating is a 1 or a 2; and

(c) it has adequately provided for loan losses.

In such a case, the credit union may pay the dividend. However, the credit union must within 30 days of paying the dividend send a letter to the Commissioner of Banking identifying the amount and date of the dividend paid and certifying that the credit union met the three requirements of this regulation at the time the dividend was paid.

Provisions of a formal or informal enforcement action may limit a credit union’s ability to pay a dividend that would otherwise be permissible as described in this regulation.

### Fiscal Impact Statement:

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

### Statement of Rationale:

R.15-50 establishes rules for credit unions declaring dividends. The proposed amendments define terms in Section 34-26-710 addressing credit union dividends, including the definition of “current earnings” and “undivided earnings,” as well as clarify the circumstances under which a state-chartered credit union may declare dividends.

Document No. 5290  
**STATE BOARD OF FINANCIAL INSTITUTIONS**  
 CHAPTER 15  
 Statutory Authority: 1976 Code Section 34-26-210

15-45. Electronic Fund Transfers.

**Synopsis:**

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-45 as it references an outdated “pilot program” which allowed credit unions to utilize electronic fund transfers; these transfers are now allowed by statute at Section 34-26-410.

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

**Instructions:**

Repeal the regulation in its entirety.

**Text:**

15-45. Repealed.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

R.15-45 references an outdated “pilot program” which allowed credit unions to utilize electronic fund transfers. Electronic fund transfers are now allowed by statute at Section 34-26-410. Accordingly, BOFI proposes that this Regulation be repealed.

Document No. 5281  
**STATE BOARD OF FINANCIAL INSTITUTIONS**  
 CHAPTER 15  
 Statutory Authority: 1976 Code Section 34-1-60

15-28. Income and Expense Statements Re Dividends.

**Synopsis:**

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-28 requiring banks to file income and expense reports along with any request to the Board to allow the bank to pay cash dividends to its shareholders. BOFI already receives this information in the “report of condition” required by Section 34-3-380.

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

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### Instructions:

Repeal the regulation in its entirety.

### Text:

15-28. Repealed.

### Fiscal Impact Statement:

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

### Statement of Rationale:

R.15-28 requires banks to file income and expense reports along with any request to the Board to allow the bank to pay cash dividends to its shareholders. BOFI proposes to repeal this Regulation as it already receives the referenced information in the “report of condition” required by Section 34-3-380.

Document No. 5285

## STATE BOARD OF FINANCIAL INSTITUTIONS

### CHAPTER 15

Statutory Authority: 1976 Code Sections 34-1-110 and 34-26-210

15-54. Record Retention for Credit Unions. (New)

### Synopsis:

The State Board of Financial Institutions (BOFI) proposes a new regulation to be codified as “15-54. Record Retention for Credit Unions.” This regulation will establish the record retention requirements for state-chartered credit unions.

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

### Instructions:

Publish the regulation as follows.

### Text:

15-54. Record Retention for Credit Unions.

(1) In addition to the applicable record retention requirements set forth for non-profit corporations in S.C. Code § 33-31-1601, South Carolina state chartered credit unions are required to maintain records in accordance with applicable federal standards.

(2) Additionally, these institutions must maintain the following records as set forth below:

(a) Five Years

(i) General Ledger/Subledger Accounts – Records of all general ledger and subledger accounts that comprise the daily income statement and balance sheet.

- (ii) Audit Reports – Internal and external audit reports, including any applicable supporting workpapers.
- (b) Three Years After Payoff or Disposition, unless otherwise required by federal statutes or regulations,
  - (i) Loan and Deposit/Share Accounts – Records of all loan and deposit/share accounts. Full credit documentation that includes evidence of collateral security and underwriting support of the credit must be maintained and applied to modifications, renewals, extensions and collections.
- (3) Nothing in this regulation shall limit an institution from retaining records beyond the required retention period.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

The State Board of Financial Institutions proposes Regulation 15-54 to require credit unions to maintain certain records for specified periods of time.

Document No. 5289  
**STATE BOARD OF FINANCIAL INSTITUTIONS**  
 CHAPTER 15  
 Statutory Authority: 1976 Code Sections 34-1-60 and 34-50-530(A)

15-14. Retention of Bank Records.

**Synopsis:**

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-14 to address outdated record retention language, and simplify and clarify the current record retention requirements, as well as clarify that the regulation applies to state chartered banks, savings banks, savings and loan associations, and trust companies.

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

**Instructions:**

Amend the regulation as follows.

**Text:**

15-14. Retention of Bank, Savings Bank, Savings and Loan Association, and Trust Company Records.

(1) In addition to the applicable record retention requirements set forth for corporations in S.C. Code Section 33-16-101, South Carolina state chartered banks, savings banks, savings and loan associations, and trust companies are required to maintain records in accordance with applicable federal standards.

(2) Additionally, these institutions must maintain the following records as set forth below:

(a) Five Years

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(i) General Ledger/Subledger Accounts – Records of all general ledger and subledger accounts that comprise the daily income statement and balance sheet.

(ii) Audit Reports – Internal and external audit reports, including any applicable supporting workpapers.

(b) Three Years After Payoff or Disposition, unless otherwise required by applicable federal statutes or regulations,

(i) Loan and Deposit Accounts – Records of all loan and deposit accounts. Full credit documentation that includes evidence of collateral security and underwriting support of the credit must be maintained and applied to modifications, renewals, extensions and collections.

(3) Nothing in this regulation shall limit an institution from retaining records beyond the required retention period.

### **Fiscal Impact Statement:**

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

### **Statement of Rationale:**

R.15-14 establishes a record retention Regulation that is voluminous and significantly outdated. Many of the records referenced therein do not contemplate the use of computers. Amending this regulation will address outdated record retention language, and simplify and clarify the current record retention requirements, as well as clarify that the regulation applies to state chartered banks, savings banks, savings and loan associations, and trust companies.

Document No. 5292

## **STATE BOARD OF FINANCIAL INSTITUTIONS**

### **CHAPTER 15**

Statutory Authority: 1976 Code Sections 34-1-60 and 34-50-530(A)

15-4. State Bank Dividends.

### **Synopsis:**

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-4 in order to provide greater flexibility for sound institutions and broaden application of the regulation to include savings banks and savings and loan associations.

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

### **Instructions:**

Amend the regulation as follows.

### **Text:**

15-4. State Bank, State Savings Bank, and Savings and Loan Association Dividends.

State chartered banks, state savings banks, and state savings and loan associations, are authorized to declare cash dividends up to 100% of year-to-date net income in any calendar year without obtaining the prior approval of the Board. Dividends declared in January may be based on the net income of the prior calendar year subject to this limitation. All other cash dividends require the specific approval of the Board.

Provisions of a formal or informal enforcement action may limit an institution's ability to pay a dividend that would otherwise be permissible as described in this regulation.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

R.15-4 required any state bank to obtain approval of the Board of Financial Institutions prior to paying a dividend. The proposed amendment authorizes institutions to declare cash dividends up to 100% of year-to-date net income in any calendar year without obtaining the prior approval of the Board, and clarifies that the regulation applies to state chartered banks, state savings banks, and state savings and loan associations.

Document No. 5293  
**STATE BOARD OF FINANCIAL INSTITUTIONS**  
 CHAPTER 15  
 Statutory Authority: 1976 Code Section 34-26-210

15-51. Terms and Conditions for State-chartered Credit Union to Make ARM Loans.

**Synopsis:**

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-51 as current state law allows greater flexibility.

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

**Instructions:**

Repeal the regulation in its entirety.

**Text:**

15-51. Repealed.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

R.15-51 establishes rules for credit unions making adjustable rate mortgage loans. Sections 34-26-800 and 34-26-810 allow credit unions broad authority to establish terms, purposes, conditions, and interest rates for their loans. This Regulation is unnecessarily restrictive; therefore, BOFI proposes that it be repealed.

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Document No. 5325

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 61

Statutory Authority: 1976 Code Sections 44-87-10 et seq., 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

61-62. Air Pollution Control Regulations and Standards.  
61-86.1. Standards of Performance for Asbestos Projects.

#### **Synopsis:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES is amending R.61-62.1. Definitions and General Requirements; R.61-62.3. Air Pollution Episodes; R.61-62.4. Hazardous Air Pollution Conditions; R.61-62.5. Standard 4, Emissions from Process Industries; R.61-62.96. Nitrogen Oxides (NO<sub>x</sub>) Budget Program; and the SIP, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

SCDES is also amending R.61-62.60. South Carolina Designated Facility Plan and New Source Performance Standards; R.61-62.63. National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and R.61-62.70. Title V Operating Permit Program, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

SCDES is also amending R.61-86.1. Standards of Performance For Asbestos Projects, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, South Carolina State Register.

#### **Instructions:**

Amend the regulations as shown below. All other items remain unchanged.

#### **Text:**

#### **61-62. Air Pollution Control Regulations and Standards.**

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Regulation 61-62.1. Definitions and General Requirements.**

Regulation 61-62.1. Section I Definitions.

Regulation 61-62.1(I)(11), shall be revised as follows:

(11) Reserved.

Regulation 61-62.1(I)(20), shall be revised as follows:

(20) Reserved.

Regulation 61-62.1(I)(25), shall be revised as follows:

(25) Department – Means the South Carolina Department of Environmental Services.

Regulation 61-62.1. Section II Permit Requirements.

Regulation 61-62.1(II)(K)(5), shall be revised as follows:

(5) Any request under this section will be subjected to public notice and opportunity for a public hearing. The recommendations of the Department shall be sent to the Administrator, or his designated representative, for approval or disapproval.

### **Regulation 61-62.3. Air Pollution Episodes.**

Regulation 61-62.3. Section I, Un-numbered Initial Paragraph, shall be revised as follows:

Conditions justifying the proclamation of any stage of an air pollution episode shall be deemed to exist whenever the Department determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to substantial threat to the health of persons. The appropriate episode stage will be declared on a regional basis, as dictated by air quality monitoring. Adverse air quality need not be regionwide to trigger control actions; the appropriate episode stage will be declared for an entire Air Quality Control Region when any monitoring site within the region records ambient air quality in excess of that designated in the criteria. In making this determination, the Department will be guided by the criteria listed below:

Regulation 61-62.3. Section I, Paragraph 1, shall be revised as follows:

1. FORECAST - This level will normally be activated when an Air Stagnation Advisory (ASA) is issued for any part of South Carolina by the Columbia Forecast Office of the National Weather Service. If continuous air monitoring equipment indicates an upward trend in pollutant concentrations, the Department may request that the National Weather Service issue an ASA, even though meteorological factors do not appear critical. In the absence of an ASA, the Department may, at his discretion, declare this level when it is in the best interest of public health and welfare.

### **Regulation 61-62.4. Hazardous Air Pollution Conditions.**

Regulation 61-62.4. Section E. CLEANUP, shall be revised as follows:

If releases to the atmosphere of air contaminants result from spillage and cause such concentrations as to produce an imminently hazardous level, clean up activities shall begin as soon as possible and shall be completed to the satisfaction of the Department.

### **Regulation 61-62.5. Standard 4, Emissions from Process Industries.**

Regulation 61-62.5. Standard 4, Section VIII, Footnote to Table B, Title, shall be revised as follows:



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\*\*The Department will make additions to this table as required from time to time to preserve public health and property in South Carolina.

### **Regulation 61-62.60. South Carolina Designated Facility Plan and New Source Performance Standards.**

Regulation 61-62.60. Subpart Cf, Section (C), shall be revised as follows:

(C) 40 CFR 60.41f, Definitions, is adopted and incorporated by reference as if fully repeated herein, except as follows: the word “Administrator” as used in this subpart shall mean the Department of Environmental Services, with the exception of the sections within this subpart that may not be delegated by the EPA.

Regulation 61-62.60. Subpart DDDD, Section (F)(12), shall be revised as follows:

(12) 40 CFR 60.2875, Definitions, except that the word “Administrator” shall mean the Department of Environmental Services, with the exception of provisions within this subpart that may not be delegated by the EPA.

### **Regulation 61-62.63. National Emission Standards for Hazardous Air Pollutants (NESHAP) For Source Categories.**

Regulation 61-62.63. Initial Paragraph (titled “Note”), shall be revised as follows:

Note: Section 112 of the Clean Air Act as amended in 1990 requires the United States Environmental Protection Agency (EPA) to issue emission standards for all major sources of the listed hazardous air pollutants (HAPs). These rules are generally known as “maximum achievable control technology” (MACT) standards. On June 26, 1995 [60 FR 32913], the EPA granted full approval to the State of South Carolina under Section 112(l)(5) and 40 CFR 63.91 of the State’s program for receiving delegation of Section 112 standards that are unchanged from federal rules as promulgated. These rules are incorporated by reference by the Department and the tables are periodically revised as MACT standards are amended or promulgated. The word “Administrator” as used in these MACT standards shall mean the Department of Environmental Services with the exception of the sections within these subparts that may not be delegated by the EPA.

### **Regulation 61-62.70. Title V Operating Permit Program.**

Regulation 61-62.70.2(h), shall be revised as follows:

(h) “Department” means the Department of Environmental Services.

### **Regulation 61-62.96. Nitrogen Oxides (NO<sub>x</sub>) Budget Program.**

Regulation 61-62.96.2(q), shall be revised as follows:

(q) Department means the South Carolina Department of Environmental Services.

### **61-86.1. Standards of Performance For Asbestos Projects.**

Statutory Authority: 1976 Code Sections 44-87-10 et seq., 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

### **Regulation 61-86.1. Section I. DEFINITIONS.**

Regulation 61-86.1. Section I, Paragraph 36, shall be revised as follows:

36. “Department” - The Asbestos Section of the South Carolina Department of Environmental Services.

**Regulation 61-86.1. Section III. ASBESTOS LICENSE FEE SCHEDULE.**

Regulation 61-86.1. Section III, Paragraph A.2., shall be revised as follows:

2. Acceptable methods of payment shall be by check or money order made payable to SCDES, by credit card (VISA, MasterCard, or Discover), or cash.

**Regulation 61-86.1. Section XVI. STANDARDS FOR DEMOLITIONS.**

Regulation 61-86.1. Section XVI, Paragraph B.1.a, shall be revised as follows:

a. Submit to the Department a written Department demolition application at least ten working days in advance of the proposed demolition start date.

**Regulation 61-86.1. Section XVI. STANDARDS FOR DEMOLITIONS.**

Regulation 61-86.1. Section XVI, Paragraph B.1.c, shall be revised as follows:

c. Acceptable methods of payment shall be by check or money order made payable to SCDES, credit card (VISA, MasterCard, or Discover), and cash.

**Regulation 61-86.1. Section XXII. CONTESTED CASES.**

Regulation 61-86.1. Section XXII, shall be revised as follows:

A. A Department decision involving the issuance, denial, renewal, suspension, or revocation of a permit or license may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title 48, Chapter 6 and Title 1, Chapter 23.

B. Any person to whom an order or civil penalty is issued may appeal it pursuant to applicable law, including S.C. Code Title 48, Chapter 6 and Title 1, Chapter 23.

**Fiscal Impact Statement:**

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. These amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

**Statement of Rationale:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES is amending these regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

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Document No. 5327

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 30

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

- 30-1. Statement of Policy.
- 30-2. Applying for a Permit.
- 30-4. Decisions on a Permit.
- 30-6. Appeals of Permit Decisions.
- 30-8. Enforcement.
- 30-10. Critical Area Boundaries.
- 30-11. General Guidelines for all Critical Areas.
- 30-12. Special Project Standards for Tidelands and Coastal Waters.
- 30-15. Activities Allowed Seaward of Baseline.
- 30-17. Application Procedures for General Permits Pursuant to Section 48-39-290(B)(4).

#### Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES is amending R.30-1. Statement of Policy; R.30-2. Applying for a Permit; R.30-4. Decisions on a Permit; R.30-6. Appeals of Permit Decisions; R.30-8. Enforcement; R.30-10. Critical Area Boundaries; R.30-11. General Guidelines for all Critical Areas; R.30-12. Special Project Standards for Tidelands and Coastal Waters; R.30-15. Activities Allowed Seaward of Baseline; and R.30-17. Application Procedures for General Permits Pursuant to Section 48-39-290(B)(4), to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

#### Instructions:

Amend the regulations as shown below. All other items remain unchanged.

#### Text:

#### Regulation 30-1. Statement of Policy.

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### Regulation 30-1.A. South Carolina Coastal Zone Management Act.

Regulation 30-1.A(1), shall be revised as follows:

(1) The South Carolina Coastal Zone Management Act was passed by the 1977 General Assembly of South Carolina to provide for the protection and enhancement of the State's coastal resources. This legislation creates the South Carolina Coastal Council which is given the task of promoting the economic and social welfare of the citizens of this State while protecting the sensitive and fragile areas in the coastal counties and promoting sound development of coastal resources. The South Carolina Coastal Zone Management Act was amended by Act 181 of 1993 which merged South Carolina Coastal Council with the South Carolina Department of Health and Environmental Control. South Carolina Coastal Council became the Office of Ocean and Coastal Resource Management (OCRM). In 2024, state government restructuring associated with Act 60 of 2023 established the South Carolina Department of Environmental Services (SCDES). The Office of Ocean and Coastal Resource Management became the Bureau of Coastal Management (BCM).

**Regulation 30-1.D. Definitions:**

Regulation 30-1.D(17), (39) and (50), shall be revised as follows:

(17) Department - the South Carolina Department of Environmental Services (also referred to as SCDES).

(39) BCM - the Bureau of Coastal Management of the South Carolina Department of Environmental Services.

(50) Special Geographic Circumstances - physical characteristics and land uses of surrounding uplands and waters may warrant additional consideration toward dock sizes. Special Geographic Circumstances identified by BCM include: tidal ranges of greater than 6 feet; lots with greater than 500 feet of water frontage; and no potential access via dockage from the opposite side of the creek. At the discretion of Department staff, one or more of these circumstances may be applied to dock applications, which may allow up to an additional fifty percent (50%) to what is allowed in 30-12.A(2)(c).

**Regulation 30-2. Applying for a Permit.**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 30-2.B. Permit Application:**

Regulation 30-2.B(7)(a) and (b), shall be revised as follows:

(a) Minor developments (see R.30-1(D)): In the case of applications for minor development permits, the applicant shall publish notice at least once in a newspaper of local circulation in the county of the proposed activity. The newspaper notice should be published within 15 days of the date of Public Notice (see R.30-2(C)). No permit shall be issued by the Department until at least 10 days following the date of newspaper publication. The following form shall be used for newspaper publication:

PUBLIC NOTICE

SC DEPARTMENT OF ENVIRONMENTAL SERVICES

BUREAU OF COASTAL MANAGEMENT

(Name of applicant) will apply (has applied) to SCDES BCM for a permit to (description of work) for (public/private) use, at/in (location and name of waterway). Comments will be received by (insert local BCM office address) until (insert date, 10 days after date of this newspaper notice).

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(b) Other activities: In the case of applications for other than minor development permits, the applicant shall publish notice at least once in both a newspaper of general statewide circulation (*The State, Post and Courier*, or *The Greenville News*) and a newspaper of local circulation in the county of the proposed activity. The newspaper notices should be published within 15 days of the date of Public Notice (see R.30-2(C)). No permit shall be issued by the Department until at least 15 days following the date of the last published newspaper publication. The following form shall be used for newspaper publication:

### PUBLIC NOTICE

#### SC DEPARTMENT OF ENVIRONMENTAL SERVICES

#### BUREAU OF COASTAL MANAGEMENT

(Name of applicant) will apply (has applied) to SCDES BCM for a permit to (description of work) for (public/private) use, at/in (location and name of waterway). Comments will be received by SCDES BCM, (insert Charleston BCM office address) until (insert date, 15 days after date of this newspaper notice).

#### **Regulation 30-2.C. Notification:**

Regulation 30-2.C, shall be revised as follows:

C. Notification: The Department shall within thirty days of receiving either a Joint Public Notice or SCDES BCM permit application, notify in writing interested agencies, all adjoining landowners, local government units in which the land is located and other interested persons. This notice shall indicate the nature and extent of the applicant's proposal.

#### **Regulation 30-2.D. Permit Processing:**

Regulation 30-2.D, shall be revised as follows:

D. Permit Processing: Permit processing shall commence immediately upon receipt of either a Joint Public Notice or a SCDES BCM permit application and shall proceed concurrently but separately from any Federal authorization.

#### **Regulation 30-2.F. Public Information:**

Regulation 30-2.F, shall be revised as follows:

F. Public Information: The complete file on each permit application, including all comments received, will be made available, upon request, for inspection by any member of the general public during regular business hours at the principal office for SCDES BCM.

#### **Regulation 30-4. Decisions on a Permit.**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Regulation 30-4.C. Action Upon a Permit:**

Regulation 30-4.C., shall be revised as follows:

C. Action Upon a Permit: The Department according to Section 48-39-150.C shall act upon an application for a permit within ninety days. This ninety-day period shall begin when the application is administratively complete

and filed in approved form. The file is administratively complete when all required information, including fees, newspaper notices, proof of ownership and certifications have been received. Exceptions of the 90-day deadline are applications for minor development activities on which action must be taken in thirty days. Permits are deemed issued after signature by applicant and appropriate Department staff. See R.61-30 for further descriptions of the administrative processes governing action on a permit.

**Regulation 30-4.E. Property Rights Not Affected; No State Liability; Other Permit Requirements:**

Regulation 30-4.E, shall be revised as follows:

E. Property Rights Not Affected; No State Liability; Other Permit Requirements: No permit shall convey, nor be interpreted to convey, a property right in the land or water in which the permitted activity is located. No permit shall be construed as alienating public property for private use or as alienating private property for public use. In no way shall the State be liable for any damage as a result of the erection of permitted works. A Department permit in no way relieves the holder from responsibility for compliance with other applicable Federal, State, or local permit requirements.

**Regulation 30-4.H. Amendment to a Permit:**

Regulation 30-4.H, shall be revised as follows:

H. Amendment to a Permit: An amendment to a permit can be made without the requirements of a new permit if the proposed change on the amendment does not significantly increase the size or change the use of the permitted project. Otherwise, the amendment proposal will require a fee, a newspaper notice and will be placed on public notice by the Department.

**Regulation 30-6. Appeals of Permit Decisions.**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 30-6.A.**

Regulation 30-6.A, shall be revised as follows:

A. A Department decision involving the issuance, denial, suspension, or revocation of a permit or certification may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title 48, Chapter 6; Title 1, Chapter 23; and Title 48, Chapter 39.

**Regulation 30-8. Enforcement.**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 30-8.F. Enforcement Orders and Enforcement Process:**

Regulation 30-8.F(4), shall be revised as follows:

(4) Any persons to whom an order is issued may appeal it pursuant to applicable law, including S.C. Code Title 48, Chapter 6; Title 1, Chapter 23; and Title 48, Chapter 39.

**Regulation 30-10. Critical Area Boundaries.**

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Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

### **Regulation 30-10.A. Coastal Waters and Tidelands:**

Regulation 30-10.A(2), shall be revised as follows:

(2) Using biological field surveys and aerial photography, the Department has found the point on the upper reaches of the estuarine systems where tideland vegetation changes from predominately brackish to predominately fresh and has established a boundary using the nearest recognizable physical features within this area. This boundary has been posted on an official map in SCDES BCM's principal offices of business and is available for public review. An approximate description of this boundary is as follows: On the south at the intersection of the South Carolina-Georgia border and the old track bed of the Seaboard Coastline (SCL), approximately 1.75 miles above the U.S. Highway 17-A bridge across the Savannah River; thence, northeastward along the track bed until its intersection with S. C. 462 near Euhaw Creek; thence, northward along S. C. 462 until its intersection with U.S. Highway 17/U.S. Interstate 95 near Coosawhatchie; thence, northeastward along U.S. 17/U.S. Interstate 95 until U.S. Highway 17 and U.S. Interstate 95 intersect at Point South, thence, northeastward along U.S. 17 until its intersection with S-15-26, approximately two miles east of Green Pond; thence, southward along S-15-26 (Bennetts Point Road) until its intersection with the old SCL track bed near Airy Hall; thence, east-northeastward along the track bed on its intersection with S. C. 174; thence, northward along S. C. 174 for approximately 1.5 miles until its intersection with S. C. 164; thence, east-northeastward approximately three miles along S. C. 164 until its intersection with S. C. 165; thence, northward along S. C. 165 (Bacons Bridge Road) until its intersection with S. C. 642 (Dorchester Road); thence, southeastward along S. C. 642 until its intersection with U.S. Interstate 26; thence, southward along I-26 until its intersection with S. C. 7 (Cosgrove Avenue); thence, northeastward on S. C. 7 until its intersection with the SCL track bed adjacent to S-10-32 (Spruill Avenue); thence, northward along this track bed until its intersection with the Charleston County/Berkeley County line, approximately one-fifth mile north of S-10-13 (Remount Road); thence, east-northeastward along the county line until its intersection with the Cooper River at Goose Creek; thence, eastward by a straight line across the Cooper River and mouth of Yellow House Creek to Jessen Road at the Cainhoy Industrial Park, thence southeastward until its intersection with (Clements Ferry Road); thence, northeastward along S-8-33 until its intersection with S-8-100 (Resurrection Road) until its intersection with S. C. 41, thence northeastward on S-8-100 (Halfway Creek Road); thence, northeastward along S-8-100 until its intersection with S-10-98 (Guerins Creek Bridge Road); thence, southward along S-10-98 until its intersection with U.S. Highway 17; thence, northeastward along U.S. Highway 17 until its intersection with S-27-30 north of the North Santee River; thence, eastward along S-27-30 for approximately five miles; thence, northward along S-27-30 until its intersection with S-27-18; thence, northwestward along S-27-18 until its intersection with U.S. Highway 17 south of Georgetown, thence northeastward along U.S. Highway 17 (Frasier Street) through Georgetown, thence northeastward along U. S. Highway 17 until the intersection of U.S. Highway 17 Business and U.S. Highway 17 Bypass south of Murrells Inlet; thence, northeastward along U.S. Highway 17 Business (Kings Highway) through Murrells Inlet, Garden City, Surfside Beach, and Myrtle Beach until its intersection U.S. Highway 17 north of Myrtle Beach; thence northeastward along U.S. Highway 17 until its intersection with the South Carolina-North Carolina border. In determining the exact location of this boundary, only those lands seaward of the right-of-way line located on the upstream side of road beds and track beds described shall be included in the tidelands and coastal waters critical areas.

### **Regulation 30-11. General Guidelines for all Critical Areas.**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

### **Regulation 30-11.E. Abandoned Vessels and Structures:**

Regulation 30-11.E(1), (2) (4), and (5), shall be revised as follows:

(1) Vessels or structures determined to be abandoned by the Department may be required to be removed from the critical area.

(2) Upon notification by the Department, the owner of the abandoned vessel or structure will have 30 days from date of notification to remove it from the critical area at his or her expense.

(4) Structures, other than watercraft, whose ownership cannot be established may be removed by any person, at their expense, provided notification is provided to the Department prior to removal. Such notification shall include date and method of removal.

(5) The Department may require a permit for removal of any vessel or structure if it is deemed that the removal process will significantly impact the surrounding marsh environment.

#### **Regulation 30-12. Special Project Standards for Tidelands and Coastal Waters.**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

##### **Regulation 30-12.A. Docks and Piers:**

Regulation 30-12.A(4)(f), shall be revised as follows:

(f) Project proposals shall include facilities for the proper handling of litter, waste and other refuse in accordance with Department regulations.

##### **Regulation 30-12.O. Mariculture:**

Regulation 30-12.O(3)(b), shall be revised as follows:

(b) Each mariculture activity must file an operations plan as an addendum to its permit application. This plan must be complete and in the approved format before the application will be placed on public notice. Written confirmation of this by the Department is required. The applicant is advised this list is not all inclusive and other sections of the Department, as well as other agencies, may have additional requirements. The plan must address:

#### **Regulation 30-15. Activities Allowed Seaward of Baseline.**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

##### **Regulation 30-15.A. Wooden Walkways:**

Regulation 30-15.A, shall be revised as follows:

A. Wooden Walkways: Wooden walkways no larger in width than six feet are the only structures allowed seaward of the baseline that do not require a Department permit. See R.30-13(O)(1).

##### **Regulation 30-15.B. Small Wooden Decks:**

Regulation 30-15.B, shall be revised as follows:

B. Small Wooden Decks: Wooden decks seaward of the baseline require a Department permit. These decks should be no larger than one hundred and forty-four square feet. See R.30-13(H)(2).



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### **Regulation 30-15.C. Fishing Piers:**

Regulation 30-15.C, shall be revised as follows:

#### **C. Fishing Piers:**

(1) New fishing piers require a Department permit and must be open to the public. See R.30-13(R).

(2) Those fishing piers with their associated structures including, but not limited to, bait shops, restrooms, restaurants, and arcades which existed September 21, 1989, may be rebuilt if they are constructed to the same dimensions and utilized for the same purposes and remain open to the public. In addition, those fishing piers with their associated structures which existed on September 21, 1989, that were privately owned, privately maintained, and not open to the public on this date may be rebuilt and used for the same purposes if they are constructed to the same dimensions. A Department permit is required.

### **Regulation 30-15.D. Golf Courses:**

Regulation 30-15.D, shall be revised as follows:

D. Golf Courses: Golf Courses require a Department permit pursuant to the criteria set forth in R.30-13(Q).

### **Regulation 30-15.E. Normal Landscaping:**

Regulation 30-15.E, shall be revised as follows:

E. Normal Landscaping: Normal landscaping requires a Department permit pursuant to the criteria set forth in R.30-13(F).

### **Regulation 30-15.F. Special Permits:**

Regulation 30-15.F(6)(b), shall be revised as follows:

(b) Pools: No new pools shall be constructed seaward of the baseline. Pools may be reconstructed, upon obtaining a Department permit, if they are landward of an existing functional erosion control structure or device. The Department may grant a special permit to reconstruct a pool seaward of a habitable structure where such permit meets the conditions of R.30-15(F)(1)-(6) and;

### **Regulation 30-17. Application Procedures for General Permits Pursuant to Section 48-39-290(B)(4).**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Regulation 30-17.A. General Guidelines:**

Regulation 30-17.A(1), shall be revised as follows:

(1) Completed SCDES BCM general permit application form.

Regulation 30-17.A(2), second paragraph shall be revised as follows:

(Applicant) has applied to the Department for a General Permit to (description of activity) at (address or legal description of property) in (city and county). Comments on this application should be mailed to the Department

at the following address: (insert local BCM office address), by (insert date, fifteen days after date of certified mailing).

**Fiscal Impact Statement:**

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. These amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

**Statement of Rationale:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES is amending these regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Document No. 5328

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

Statutory Authority: 1976 Code Sections 13-7-10 et seq., 44-2-10 et seq., 44-56-10 et seq., 44-93-10 et seq., 44-96-10 et seq., 48-1-10 et seq., 48-6-10 et seq., 48-60-5 et seq., and 2023 Act No. 60, effective July 1, 2024

- 61-33. Drycleaning Facility Restoration Trust Fund.
- 61-63. Radioactive Materials (Title A).
- 61-64. X-Rays (Title B).
- 61-65. Particle Accelerators (Title C).
- 61-79.124. Permit Administration.
- 61-79.260. Hazardous Waste Management System; General.
- 61-79.261. Identification and Listing of Hazardous Waste.
- 61-79.264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.
- 61-79.266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.
- 61-79.270. Permit Requirements.
- 61-83. Transportation of Radioactive Waste Into or Within South Carolina.
- 61-92. Underground Storage Tank Control Regulations.
- 61-98. State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation.
- 61-104. Hazardous Waste Management Location Standards.
- 61-105. Infectious Waste Management Regulation.
- 61-106. Tanning Facilities.
- 61-107.2. Solid Waste Management: Full Cost Disclosure.
- 61-107.3. Solid Waste Management: Waste Tires.
- 61-107.4. Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals.
- 61-107.5. Solid Waste Management: Collection, Temporary Storage, and Transportation of Municipal Solid Waste.
- 61-107.6. Solid Waste Management: Solid Waste Processing Facilities.

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61-107.7. Solid Waste Management: Transfer of Solid Waste.  
61-107.8. Solid Waste Management: Lead Acid Batteries.  
61-107.9. Solid Waste Management: White Goods.  
61-107.10. Solid Waste Management: Research, Development, and Demonstration Permit Criteria.  
61-107.12. Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities.  
61-107.14. Solid Waste Management: Municipal Solid Waste Landfill Operator's Certification.  
61-107.15. Solid Waste Management: Land Application and Solid Waste.  
61-107.17. Solid Waste Management: Demonstration-of-Need.  
61-107.18. Solid Waste Management: Off-Site Treatment of Contaminated Soil.  
61-107.19. Solid Waste Management: Solid Waste Landfills and Structural Fill.  
61-107.279. Solid Waste Management: Used Oil.  
61-124. Consumer Electronic Equipment Collection and Recovery.

### Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES is amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

### Instructions:

Amend the regulations as shown below. All other items remain unchanged.

### Text:

#### 61-33. Drycleaning Facility Restoration Trust Fund.

Statutory Authority: 1976 Code Sections 44-56-410 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### Regulation 61-33.2 Purpose and Applicability.

Regulation 61-33.2(B) and (D), shall be revised as follows:

(B) [RESERVED].

(D) "Department" means the Department of Environmental Services.

#### Regulation 61-33.4. General Provisions.

Regulation 61-33.4(A)(3), shall be revised as follows:

- (3) A signed containment certification form.

Forms can be obtained from the SCDES website or by mail from: SCDES - Bureau of Land and Waste Management, Attn.: Drycleaning Facility Restoration Trust Fund Program, 2600 Bull Street, Columbia, SC, 29201.

**Regulation 61-63. Radioactive Materials (Title A).**

Statutory Authority: 1976 Code Sections 13-7-40 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-63, RHA 1.2. Definitions.**

Regulation 61-63, RHA 1.2.8, shall be revised as follows:

1.2.8 “Department” means the South Carolina Department of Environmental Services.

**Regulation 61-63, RHA 1.13. Communications.**

Regulation 61-63, RHA 1.13.1, shall be revised as follows:

1.13.1 All communications and reports concerning these regulations, and applications filed thereunder, should be addressed to the Department at its office located at:

South Carolina Department of Environmental Services  
Bureau of Land and Waste Management  
2600 Bull Street  
Columbia, South Carolina 29201

**Regulation 61-63, RHA 1.16. Schedule A.**

Regulation 61-63, RHA 1.16, SCHEDULE OF SEVERITY CATEGORIES, shall be revised as follows:

III. Transportation of Radioactive Materials:

For purposes of this Schedule, radioactive material transported as radioactive waste into or within South Carolina is subject to the provisions of the S.C. Department of Environmental Services Regulation 61-83, Regulation for the Transportation of Radioactive Waste Into or Within South Carolina. Radioactive materials, other than radioactive wastes as defined in S.C. Department of Environmental Services Regulation 61-83, are subject to the following Severity Categories:

**Regulation 61-63, RHA 2.4. General Licenses—Radioactive Material Other Than Source Material.**

Regulation 61-63, RHA 2.4.2.3.15, shall be revised as follows:

2.4.2.3.15 Shall respond to written requests from the Department to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the Radiation Protection Program, SC Department of Environmental Services, by an appropriate method listed in RHA 1.13 of this regulation, a written justification for the request.

**Regulation 61-63, RHA 2.4. General Licenses—Radioactive Material Other Than Source Material.**

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Regulation 61-63, RHA 2.4.8.3.5, shall be revised as follows:

2.4.8.3.5 Shall respond to written requests from the Department to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the Director of the Division of Waste Management, South Carolina Department of Environmental Services, 2600 Bull Street, Columbia SC, 29201, a written justification for the request.

### **RHA 2.7. Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials.**

Regulation 61-63, RHA 2.7.14.8.1, shall be revised as follows:

2.7.14.8.1 Each person licensed under RHA 2.7.14 shall file an annual report with the Director, Division of Radioactive Material, Radiation Protection Program, which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under RHA 2.4.4. The report must identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report must cover the year ending June 30 and must be filed within thirty (30) days thereafter. If no transfers have been made to persons generally licensed under RHA 2.4.4 during the reporting period, the report must so indicate.

### **Regulation 61-63, RHA 2.22. Transportation of Radioactive Materials**

Regulation 61-63, RHA 2.22.8.3, shall be revised as follows:

2.22.8.3 Approval of program. Before the use of any package for the shipment of licensed material subject to this subpart, each licensee shall obtain Department approval of its quality assurance program. Each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, by submitting the description to: ATTN: South Carolina Department of Environmental Services, Division of Waste Management, 2600 Bull Street, Columbia, South Carolina 29201.

### **RHA 2.32. Reporting Requirements.**

Regulation 61-63, RHA 2.32.3.1, shall be revised as follows:

2.32.3.1 Licensees shall make reports required by RHA 2.32.1 & 2.32.2 of this section by telephone to the Radiation Protection Program. to the extent that the information is available at the time of notification, the information provided in these reports must include:

Regulation 61-63, RHA 2.32.3.2, shall be revised as follows:

2.32.3.2 Written report. Each licensee who makes a report required by RHA 2.32.1. or 2.32.2 of this section shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other regulations may be submitted to fulfill this requirement if the reports contain all of the necessary information and appropriate distribution is made. These written reports must be sent to the S.C. Department of Environmental Services, Radiation Protection Program, 2600 Bull Street, Columbia, S.C. 29201. The reports must include the following.

### **Regulation 61-63, RHA 3.26. Procedures for Receiving and Opening Packages.**

Regulation 61-63, RHA 3.26.4, shall be revised as follows:

3.26.4 The licensee shall immediately notify the final delivery carrier and the S.C. Department of Environmental Services, Bureau of Land and Waste Management, (803-545-4400 or 888-481-0125), by telephone, when:

**Regulation 61-63, RHA 3.44. Reports of Theft or Loss of Licensed Material.**

Regulation 61-63, RHA 3.44.1, shall be revised as follows:

3.44.1 Telephone reports. Each licensee shall report by telephone to the S.C. Department of Environmental Services, Radiation Protection Program, 2600 Bull Street, Columbia, S.C. 29201, as follows:

**Regulation 61-63, RHA 3.45. Notification of Incidents.**

Regulation 61-63, RHA 3.45.1, shall be revised as follows:

3.45.1 Immediate notification. Notwithstanding any other requirements for notification, each licensee shall immediately notify the S.C. Department of Environmental Services, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, SC 29201, by telephone (803-545-4400) and confirming letter of any event involving radioactive material possessed by the licensee that may have caused or threatens to cause any of the following conditions—

Regulation 61-63, RHA 3.45.4, shall be revised as follows:

3.45.4 Licensees shall make the reports required by RHA 3.45.1 and 3.45.2 of this section by telephone to S.C. Department of Environmental Services, Bureau of Land and Waste Management (803-545-4400 or 888-481-0125).

**RHA 3.46. Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Limits.**

Regulation 61-63, RHA 3.46.4, shall be revised as follows:

3.46.4 All licensees, who make reports under paragraph 3.46.1 of this section shall submit the report in writing to the S.C. Department of Environmental Services, Radiation Protection Program, 2600 Bull Street, Columbia, SC.

**RHA 3.47. Reports of Planned Special Exposures.**

Regulation 61-63, RHA 3.47, shall be revised as follows:

The licensee shall submit a written report to S.C. Department of Environmental Services, Radiation Protection Program, 2600 Bull Street, Columbia, SC 29201 within 30 days following any planned special exposure conducted in accordance with RHA 3.10, informing the Department that a planned special exposure was conducted and indicating the date the planned special exposure occurred and the information required by RHA 3.38.

**RHA 3.49. Reports of Individual Monitoring.**

Regulation 61-63, RHA 3.49.3, shall be revised as follows:

3.49.3 The licensee shall file the report required by 3.49.2, covering the preceding year, on or before April 30 of each year. The licensee shall submit the report to S.C. Department of Environmental Services, Radiation Protection Program, 2600 Bull Street, Columbia, SC, 29201.

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### **Regulation 61-63, RHA 4.7. Application for License, Amendment, or Renewal.**

Regulation 61-63, RHA 4.7.2.1, shall be revised as follows:

4.7.2.1 Filing an original of SCDES Form 0813, "Application for Radioactive Material License," that includes the facility diagram, equipment, and training and experience qualifications of the Radiation Safety Officer, Associate Radiation Safety Officer(s), authorized user(s), authorized medical physicist(s), ophthalmic physicist(s), and authorized nuclear pharmacist(s); and

Regulation 61-63, RHA 4.7.3.1.1, shall be revised as follows:

4.7.3.1.1 SCDES Form 0813, "Application for Radioactive Material License"; or

Regulation 61-63, RHA 4.7.3.1.2, shall be revised as follows:

4.7.3.1.2 A letter containing all information required by SCDES Form 0813; and

### **Regulation 61-63, RHA 4.11. License Issuance.**

Regulation 61-63, RHA 4.11.1.1, shall be revised as follows:

4.11.1.1 The applicant has filed SCDES Form 0813 "Application for Radioactive Material License" in accordance with the instructions in RHA 4.7;

### **Regulation 61-63, RHA 4.117. Report and Notification of a Medical Event.**

Regulation 61-63, RHA 4.117.3 and its associated footnote 3, shall be revised as follows:

4.117.3 The licensee shall notify by telephone the SCDES Radiation Protection Program<sup>3</sup> no later than the next calendar day after discovery of the medical event.

<sup>3</sup>The commercial telephone number of the Radiation Protection Program is (803) 545-4400.

Regulation 61-63, RHA 4.117.4, shall be revised as follows:

4.117.4 The licensee shall submit a written report to Radiation Protection Program within 15 days after discovery of the medical event.

### **Regulation 61-63, RHA 4.118. Report and Notification of a Dose to an Embryo/Fetus or a Nursing Child.**

Regulation 61-63, RHA 4.118.3, shall be revised as follows:

4.118.3 The licensee shall notify by telephone the SCDES Radiation Protection Program no later than the next calendar day after discovery of a dose to the embryo/fetus or nursing child that requires a report in RHA 4.118.1 or 4.118.2.

Regulation 61-63, RHA 4.118.4, shall be revised as follows:

4.118.4 The licensee shall submit a written report to Radiation Protection Program within 15 days after discovery of a dose to the embryo/fetus or nursing child that requires a report in RHA 4.118.1 or 4.118.2.

Regulation 61-63, RHA 4.118.6.1, shall be revised as follows:

4.118.6.1 Annotate a copy of the report provided to Radiation Protection Program with the:

**Regulation 61-63, RHA 4.119. Report of a Leaking Source.**

Regulation 61-63, RHA 4.119, shall be revised as follows:

A licensee shall file a report within 5 days if a leak test required by RHA 4.29 reveals the presence of 185 Bq (0.005 uCi) or more of removable contamination. The report must be filed with SCDES, Radiation Protection Program. The written report must include the model number and serial number if assigned, of the leaking source; the radionuclide and its estimated activity; the results of the test; the date of the test; and the action taken.

**RHA 5.25. Reporting Requirements.**

Regulation 61-63, RHA 5.25.1, shall be revised as follows:

5.25.1 In addition to the reporting requirements specified in RHA 2.32, each licensee shall provide a written report to the S.C. Department of Environmental Services, Radiation Protection Program, 2600 Bull Street, Columbia, S.C. 29201 within 30 days of the occurrence of any of the following incidents involving radiographic equipment.

**Regulation 61-63, RHA 6.5. Notification and Reports to Individuals.**

Regulation 61-63, RHA 6.5.1, shall be revised as follows:

6.5.1 Radiation exposure data for an individual, and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual, shall be reported to the individual as specified in this section. The information reported shall include data and results obtained pursuant to Department regulations, orders, or license conditions, as shown in records maintained by the licensee pursuant to Department regulations. Each notification and report shall; be in writing, include appropriate identifying data such as the name of the licensee, the name of the individual, the individual's social security number; include the individual's exposure information; and contain the following statement; "This report is furnished to you under the provisions of the South Carolina Department of Environmental Services' 'Radiation Control Regulations.' You should preserve this report for future reference."

**RHA 6.9. Inspections Not Warranted; Informal Review.**

Regulation 61-63, RHA 6.9.1, shall be revised as follows:

6.9.1 If the Department determines, with respect to a complaint under RHA 6.8, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, he shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the Director for the South Carolina Department of Environmental Services who will provide the licensee with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee may submit an opposing written statement of position with the Department who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the Department may hold an informal conference in which the complainant and the licensee may orally present their views. An informal conference may also be held at the request of the licensee, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the Director for the South Carolina Department of Environmental Services shall affirm, modify, or reverse the determination of the Department and furnish the complainant and the licensee a written notification of his decision and the reason therefor.



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### **Regulation 61-63, RHA 12.2. Definitions.**

Regulation 61-63, RHA 12.2.9, shall be revised as follows:

12.2.9 “**Department**” means the SC Department of Environmental Services or its duly authorized representatives.

### **Regulation 61-63, RHA 12.23. Advance notification of shipment of Category 1 quantities of radioactive material.**

Regulation 61-63, RHA 12.23.1.1, shall be revised as follows:

12.23.1.1 The notification must be made to the Department and to the office of each appropriate governor or governor’s designee. The contact information, including telephone numbers and mailing addresses, of governors and governors’ designees, is available on the NRC’s Web site at <https://scp.nrc.gov/special/designee.pdf>. A list of the contact information is also available upon request from the Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The notification to the Department may be made by email to [RAMQC\\_shipments@des.sc.gov](mailto:RAMQC_shipments@des.sc.gov) or by fax to 803-898-0391. Notifications to the Department must be to the Director, Bureau of Land & Waste Management, Division of Waste Management, 2600 Bull Street, Columbia, SC 29201.

### **Regulation 61-64, X-Rays (Title B).**

Statutory Authority: 1976 Code Sections 13-7-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

### **Regulation 61-64, RHB 1.16. Appeals.**

Regulation 61-64, RHB 1.16, shall be revised as follows:

Any person to whom an order is issued may appeal it pursuant to applicable law, including S.C. Code Title 48, Chapter 6; and Title 1, Chapter 23.

### **Regulation 61-64, RHB Part X. Definitions.**

Regulation 61-64, RHB 10.57, shall be revised as follows:

10.57 “**Department**” means the South Carolina Department of Environmental Services.

### **Regulation 61-64, RHB 11.4. Notification and Reports to Individuals.**

Regulation 61-64, RHB 11.4.1, shall be revised as follows:

11.4.1 The Registrant shall report to the individual, radiation exposure data and the results of any measurements, analyses, and calculations of radiation exposure to the body as specified in this section. The information reported shall include data and results obtained pursuant to Department regulations, orders, or inspections. Each notification and report shall: be in writing, include appropriate identifying data such as the name of the registrant, the name of the individual, an additional personal identifier for the individual, the individual’s exposure information, and contain the following statement: "This report is furnished to you under the provisions of the South Carolina Department of Environmental Services’ Radiation Control Regulations. You should preserve this report for future reference."

**Regulation 61-64, RHB 11.9. Right to Inspect and Investigate.**

Regulation 61-64, RHB 11.9, shall be revised as follows:

The Department of Environmental Services is the state agency responsible for the control and regulation of radiation sources. Section 13-7-40(A), S.C. Code of Laws (1976, as amended). By statute, the Department is authorized to enter, at all reasonable times, private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of its regulations. Section 13-7-40(A), S.C. Code of Laws (1976, as amended). Because the Department is authorized by law to enter and inspect property in order to determine compliance with Department regulations, such entry and inspection falls under the health oversight activities exception of Health Insurance Portability and Accountability Act (HIPAA). Therefore, where protected health information is necessary for determining compliance with Department regulations, protected health information may be used and disclosed to the Department without the subject's authorization under HIPAA.

**Regulation 61-65, Particle Accelerators (Title C).**

Statutory Authority: 1976 Code Sections 13-7-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-65, RHC 1.10. Communications.**

Regulation 61-65, RHC 1.10.1, shall be revised as follows:

1.10.1 All communications and reports concerning these regulations and registrations filed thereunder, shall be addressed to the Department at:

SC Department of Environmental Services  
Radiation Protection Program  
2600 Bull Street  
Columbia, SC 29201

**Regulation 61-65, RHC 2.4. Equipment Registration Requirements, Users of Particle Accelerators.**

Regulation 61-65, RHC 2.4.1, shall be revised as follows:

2.4.1 Initial Equipment Registration. Every person possessing a particle accelerator shall register the machine's control and tubes with the Department within 30 days of the date of acquisition. Registration shall be made on Form SCDES 819 furnished by the Department.

**Regulation 61-65, RHC 2.5. Vendor Registration and Obligation.**

Regulation 61-65, RHC 2.5.2.4, shall be revised as follows:

2.5.2.4 Notification to the Department shall be made on SCDES Form 823. A SCDES 823 form shall be submitted to the Department each month by Class I and Class II vendors, as outlined in Part II "Registration of X-Ray Machines and Services" of R.61-64, X-Rays (Title B), regardless of whether a particle accelerator was sold that month.

**Regulation 61-65, RHC 2.6. Modification, Revocation, Termination of Registrants.**

Regulation 61-65, RHC 2.6.3, shall be revised as follows:

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2.6.3 An order of revocation may be appealed pursuant to applicable law, including S.C. Code Title 48, Chapter 6; and Title 1, Chapter 23.

### **Regulation 61-65, RHC Part VIII. Definitions.**

Regulation 61-65, RHC 8.7, shall be revised as follows:

8.7 "Department" means the South Carolina Department of Environmental Services.

### **Regulation 61-79.124. Permit Administration.**

Statutory Authority: 1976 Code Sections 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Regulation 61-79.124.5. Modification, revocation and reissuance, or termination of permits under these regulations.**

Regulation 61-79.124.5(b), shall be revised as follows:

(b) If the Department decides the request is not justified, it will send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings. Denials by the Department may be appealed pursuant to S.C. Code Title 48-6-30.

#### **Regulation 61-79.124.15. Issuance and effective date of permit.**

Regulation 61-79.124.15(c)(2), shall be revised as follows:

(2) A request for an adjudicatory hearing is timely made pursuant to S.C. Code Title 48-6-30; or

#### **Regulation 61-79.124.19. Appeal of Permit**

Regulation 61-79.124.19(a) and (b), shall be revised as follows:

(a) Department decision involving the issuance, denial, renewal, modification, suspension, or revocation of a permit, license, certificate or certification may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title 48, Chapter 6; Title 1, Chapter 23; and Title 40, Chapter 61.

(b) Any person to whom an order is issued may appeal it pursuant to applicable law, including S.C. Code Title 48, Chapter 6; Title 1, chapter 23; and Title 40, Chapter 61.

### **Regulation 61-79.260. Hazardous Waste Management System; General.**

Statutory Authority: 1976 Code Sections 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Regulation 61-79.260.10. Definitions. Delete definitions for "Board" and Commissioner."**

Regulation 61-79.260.10, shall be revised as follows:

"Department" means the Department of Environmental Services.

“These Regulations” refers to all regulations contained under R.61-79 of the State Regulations which have been promulgated by the Department as authorized under Section 44-56-30 of the 1976 Code of Laws, as amended.

**Regulation 61-79.260.41. Procedures for case-by-case regulation of hazardous waste recycling activities.**

Regulation 61-79.260.41(a), shall be revised as follows:

(a) If a generator is accumulating the waste, the Department will issue a notice setting forth the factual basis for the decision and stating that the person must comply with the applicable requirements of subparts A, C, D, and E of R.61-79.262. The notice will become final within thirty (30) days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the Department will hold a public hearing. The Department will provide notice of the hearing to the public and allow public participation at the hearing. The Department will issue a final order after the hearing stating whether or not compliance with part 262 is required. The order becomes effective 30 days after service of the decision unless the Department specifies a later date or unless review by the Department is requested. The order may be appealed pursuant to S.C. Code of Laws Section 48-6-30. Final Department action occurs when a final order is issued and Department review procedures are exhausted.

**Regulation 61-79.261. Identification and Listing of Hazardous Waste.**

Statutory Authority: 1976 Code Sections 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-79.261.151. Wording of the instruments.**

Regulation 61-79.261.151. APPENDIX A-1, title paragraph and second paragraph, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT TRUST AGREEMENT, the “Agreement,” entered into as of [date] by and between [name of the owner or operator], a [name of State] [insert “corporation,” “partnership,” “association,” or “proprietorship”], the “Grantor,” and [name of corporate trustee], [insert “incorporated in the State of \_\_\_\_-----” or “a national bank”], the “Trustee.”

WHEREAS, the South Carolina Department of Environmental Services, hereafter referred to as the “Department,” an agency of South Carolina, has established certain regulations applicable to the Grantor, requiring that an owner or operator of a facility regulated under R.61-79.264 or 265, or satisfying the conditions of the exclusion under section 261.4(a)(24) shall provide assurance that funds will be available if needed for care of the facility under subpart G of R.61-79.264 or 265, as applicable,

Regulation 61-79.261.151. APPENDIX A-2, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX B, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX B, first paragraph, shall be revised as follows:

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Know All Persons By These Presents, That we, the Principal and Surety(ies) are firmly bound to the South Carolina Department of Environmental Services, hereafter referred to as the “Department,” in the event that the hazardous secondary materials at the reclamation or intermediate facility listed below no longer meet the conditions of the exclusion under section 261.4(a)(24), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum “jointly and severally” only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Regulation 61-79.261.151. APPENDIX C, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX D, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX E, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX G-1, title and first paragraph, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Corporate Guarantee for Facility Care

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of South Carolina, herein referred to as guarantor. This guarantee is made on behalf of the [owner or operator] of [business address], which is [one of the following: “our subsidiary”; “a subsidiary of [name and address of common parent corporation], of which guarantor is a subsidiary”; or “an entity with which guarantor has a substantial business relationship, as defined in sections 264.141(h) and 265.141(h)” to the South Carolina Department of Environmental Services, hereafter referred to as the “Department.”

Regulation 61-79.261.151. APPENDIX H, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX I, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX I, 2(c), shall be revised as follows:

(c) Whenever requested by the South Carolina Department of Environmental Services, hereafter referred to as the “Department,” the Insurer agrees to furnish to the Department a signed duplicate original of the policy and all endorsements.

Regulation 61-79.261.151. APPENDIX J, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX K, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX K, Governing Provisions: (3), shall be revised as follows:

(3) Rules and regulations of the South Carolina Department of Environmental Services, particularly R.61-79.264, 265, and subpart H of R.61-79.261.

Regulation 61-79.261.151. APPENDIX L-1, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX L-1, second paragraph, shall be revised as follows:

WHEREAS, the South Carolina Department of Environmental Services, hereafter referred to as the “Department,” an agency of South Carolina, has established certain regulations applicable to the Grantor, requiring that an owner or operator must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental and/or nonsudden accidental occurrences arising from operations of the facility or group of facilities.

Regulation 61-79.261.151. APPENDIX L-2, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX M-1, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX M-1, second paragraph, shall be revised as follows:

WHEREAS the South Carolina Department of Environmental Services, hereafter referred to as the “Department,” an agency of South Carolina, has established certain regulations applicable to the Grantor, requiring that an owner or operator must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental and/or nonsudden accidental occurrences arising from operations of the facility or group of facilities.

**Regulation 61-79.264.151. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.**

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Statutory Authority: 1976 Code Sections 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

### **Regulation 61-79.264.151. Wording of the instruments.**

Regulation 61-79.264.151. APPENDIX A-1, title paragraph and second paragraph, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT TRUST AGREEMENT, the “Agreement,” entered into as of \_\_\_\_\_ [date] by and between \_\_\_\_\_ [name of the owner or operator], a \_\_\_\_\_ [name of State], \_\_\_\_\_ [insert “corporation,” “partnership,” “association,” or “proprietorship”], the “Grantor,” and \_\_\_\_\_ [name of corporate trustee], [insert “incorporated in the State of \_\_\_\_\_” or “a national bank”], the “Trustee.”

WHEREAS, the South Carolina Department of Environmental Services, hereafter referred to as the “Department”, an agency of the state of South Carolina, has established certain regulations applicable to the Grantor, requiring that an owner or operator of a hazardous waste management facility shall provide assurance that funds will be available when needed for closure and/or post-closure care of the facility,

Regulation 61-79.264.151. APPENDIX A-2, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX B, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX B, first paragraph, shall be revised as follows:

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the South Carolina Department of Environmental Services (hereinafter called the “Department”), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum “jointly and severally” only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Regulation 61-79.264.151. APPENDIX C, title paragraph, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX C, second paragraph, shall be revised as follows:

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the South Carolina Department of Environmental Services hereinafter called the “Department” in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum “jointly and severally” only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal,

for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Regulation 61-79.264.151. APPENDIX D, title paragraph, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX D, Paragraph (2) of letter template, shall be revised as follows:

(2) your signed statement reading as follows: “I certify that the amount of the draft is payable pursuant to regulations issued under authority of the South Carolina Department of Environmental Services.”

Regulation 61-79.264.151. APPENDIX E, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX F, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX F, letter template, opening paragraph, shall be revised as follows:

Dear Sir: I am the chief financial officer of \_\_\_\_\_ [name and address of firm]. This letter is in support of this firm’s use of the financial test to demonstrate financial assurance for closure and/or post-closure costs, as specified in Subpart H of R. 61-79 Parts 264 and 265 by the South Carolina Department of Environmental Services. (amended 6/89)

Regulation 61-79.264.151. APPENDIX G, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX H, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX I, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX J, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX K, title, shall be revised as follows:



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### SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX L, title, shall be revised as follows:

### SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX L, Governing Provisions, paragraph (2), shall be revised as follows:

(2) Rules and regulations of the Department of Environmental Services, particularly R.61-79.264.147 or “265.147”] (if applicable).

Regulation 61-79.264.151. APPENDIX M-1, title, shall be revised as follows:

### SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX M-2, title, shall be revised as follows:

### SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX N-1, title, shall be revised as follows:

### SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX N-1, second paragraph, shall be revised as follows:

Whereas the South Carolina Department of Environmental Services, “the Department”, an agency of the State of South Carolina Government, has established certain regulations applicable to the Grantor, requiring that an owner or operator of a hazardous waste management facility or group of facilities must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental and/or nonsudden accidental occurrences arising from operations of the facility or group of facilities.

Regulation 61-79.264.151. APPENDIX N-2, title, shall be revised as follows:

### SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

#### **Regulation 61-79.266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.**

Statutory Authority: 1976 Code Sections 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Regulation 61-79.266.510. Standards for the management of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals at reverse distributors.**

Regulation 61-79.266.510, Appendix IX, Section 2.0, Note to Paragraph 2.2.4.1.2, shall be revised as follows:

Note: Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency or South Carolina Department of Environmental Services.

Regulation 61-79.266.510, Appendix IX, Section 3.0, Note to Paragraph 3.2.3.1.2, shall be revised as follows:

\*Note: Mention of trade names or specific product does not constitute endorsement by the South Carolina Department of Environmental Services.

Regulation 61-79.266.510, Appendix IX, Section 3.0, Paragraph 3.2.4.4.4, shall be revised as follows:

3.2.4.4.4 Performance Audit Sample. A performance audit sample shall be obtained from the Air Quality Laboratory Division of SCDES Labs and analyzed with the field samples.

Regulation 61-79.266.510, Appendix IX, Section 3.0, Paragraph 3.4.8.4, shall be revised as follows:

3.4.8.4 Audit Results. Calculate the audit sample concentration according to the calculation procedure described in the audit instructions included with the audit sample. Fill in the audit sample concentration and the analyst's name on the audit response form included with the audit instructions. Send one copy to the South Carolina Department of Environmental Services and a second copy to the STAC. The Department will report the results of the audit to the laboratory being audited. Include this response with the results of the compliance samples in relevant reports to the Department.

#### **Regulation 61-79.270, Permit Requirements.**

Statutory Authority: 1976 Code Sections 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Regulation 61-79.270.30. Conditions applicable to all permits.**

Regulation 61-79.270.30(a), shall be revised as follows:

(a) Duty to comply. The permittee must comply with all conditions included in his approved permit application, all conditions and restrictions placed upon its permit, all applicable regulations promulgated pursuant to the Act, and all orders issued by the Department, except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit. (See 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the appropriate Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

#### **Regulation 61-79.270.155. May the decision to approve or deny my RAP application be administratively appealed?**

Regulation 61-79.270.155, shall be revised as follows:

(a) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing(s) on the draft RAP, may appeal the Department's decision to approve or deny your RAP application under 124.19 of this chapter. Any person who did not file comments, or did not participate in any public hearing(s) on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions under 124.15 of this chapter (or a decision under 270.29 to deny a permit for the active life of a RCRA hazardous waste management facility or unit).

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### **Regulation 61-79.270.215. How are time periods in the requirements in this subpart and my RAP computed?**

Regulation 61-79.270.215(c) and (d), shall be revised as follows:

(c) If the final day of any time period falls on a weekend or legal holiday, the time period must be extended to the next working day.

(d) Whenever a party or interested person has the right to or is required to act within a prescribed period after the service of notice or other paper upon him by mail, 3 days must be added to the prescribed term.

### **Regulation 61-83. Transportation of Radioactive Waste Into or Within South Carolina.**

Statutory Authority: 1976 Code Sections 13-7-10 et seq., 13-7-40, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Regulation 61-83.2. Definitions.**

Regulation 61-83.2.2, shall be revised as follows:

2.2 “Department” means the Department of Environmental Services including personnel authorized to act on behalf of the Department.

#### **Regulation 61-83.3. Permits.**

Regulation 61-83.3.1, shall be revised as follows:

3.1 Before any shipper transports or causes to be transported radioactive waste into or within the State of South Carolina, the shipper shall purchase an annual radioactive waste transport permit from the Department. An application for a permit shall be submitted on Department Form SCDES-0800 “Application for Radioactive Waste Transport Permit” together with the necessary fee to: S.C. Department of Environmental Services (SCDES), Bureau of Land and Waste Management/Radioactive Waste Management Section, 2600 Bull Street, Columbia, South Carolina, 29201. These forms are available on the Department website, or by other means the Department may provide.

#### **Regulation 61-83.4. Shipper’s Requirements.**

Regulation 61-83.4.1.1., shall be revised as follows:

4.1.1 All prior notifications shall be filed on a Department form designated as SCDES-0802 “Radioactive Waste Shipment Prior Notification and Manifest Form.”

Regulation 61-83.4.2, shall be revised as follows:

4.2 The shipper shall provide to the carrier with each separate shipment a copy of the SCDES-0802 “Radioactive Waste Shipment Prior Notification and Manifest Form” required by paragraph 4.1. Such copy shall show any changes made pursuant to paragraph 4.1.2 above. Each shipper shall instruct the carrier to comply with the route and schedule contained therein

Regulation 61-83.4.3, shall be revised as follows:

4.3 The manifest accompanying each shipment of radioactive waste shall include a copy of the shipper’s certification prepared on Department form SCDES-0803, Part I, “Radioactive Waste Shipment Certification

Form,” which shall include certification that the shipment has been inspected and complies with all applicable State and Federal laws and administrative rules and regulations, license or license conditions of the disposal facility regarding the packaging, transportation, storage, disposal, and delivery of radioactive wastes.

Regulation 61-83.4.4, shall be revised as follows:

4.4 Following acceptance of each separate shipment at a disposal facility or at the consignee’s facility, it shall be the responsibility of each shipper to provide to the Department for such shipment a copy of the Department form SCDES-0802 “Radioactive Waste Shipment Prior Notification and Manifest Form” with the Consignee Acknowledgement properly executed and to provide the Department with the “Radioactive Waste Shipment Certification Form,” Department form SCDES-0803 which accompanied that shipment.

**Regulation 61-83.5. Carrier Requirements.**

Regulation 61-83.5.1, shall be revised as follows:

5.1 For each shipment of radioactive waste materials shipped into or within the State, a carrier shall complete Part II: Carrier’s Certification on the form SCDES-0803 provided by the generator. The certificate shall be signed by a principal, officer, partner, responsible employee, or other authorized agent of the carrier

Regulation 61-83.5.1.3, shall be revised as follows:

5.1.3 that the carrier has received a copy of the shipper’s “Radioactive Waste Shipment Prior Notification and Manifest Form,” form SCDES-0802 specified in paragraph 4.2 and the “Radioactive Waste Shipment Certification Form,” form SCDES-0803 specified in paragraph 4.3; and

Regulation 61-83.5.2, shall be revised as follows:

5.2 A carrier shall immediately notify the Department of any variance, occurring after departure, from the primary route and estimated date of arrival of shipment as provided by the shipper on Form SCDES-0802.

Regulation 61-83.5.3, shall be revised as follows:

5.3 The copies of Forms SCDES-0803 and SCDES-0802 shall accompany the shipment to the destination and shall be presented together with the manifest and other shipping papers.

**Regulation 61-92. Underground Storage Tank Control Regulations.**

Statutory Authority: 1976 Code Sections 44-2-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-92.280.12. Definitions.**

Regulation 61-92.280.12(s), shall be revised as follows:

- (s) "Department" means the South Carolina Department of Environmental Services.

**Regulation 61-92.280.92 DEFINITION OF TERMS.**

Regulation 61-92.280.92(e), shall be revised as follows:

- (e) "Department" means the South Carolina Department of Environmental Services.

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### **Regulation 61-92.280.96. GUARANTEE.**

Regulation 61-92.280.96(c), shall be revised as follows:

(c) The guarantee must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

#### GUARANTEE

Guarantee made this [date] by [name of guaranteeing entity], a business entity organized under the laws of the state of [name of state], herein referred to as guarantor, to the Department of Environmental Services (Department) and to any and all third parties, and obligees, on behalf of [owner or operator] of [business address].

### **Regulation 61-92.280.99. LETTER OF CREDIT.**

Regulation 61-92.280.99(b), shall be revised as follows:

(b) The letter of credit must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

#### IRREVOCABLE STANDBY LETTER OF CREDIT

[Name and address of issuing institution]

Department of Environmental Services, Underground Storage Tank Program, 2600 Bull Street, Columbia, SC, 29201

Regulation 61-92.280.103(b)(1), Paragraph 2, shall be revised as follows:

Whereas, the United States Environmental Protection Agency, "EPA," an agency of the United States Government, and the Department of Environmental Services, an agency of the state of South Carolina, have established certain regulations applicable to the Grantor, requiring that an owner or operator of an underground storage tank shall provide assurance that funds will be available when needed for corrective action and third-party compensation for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from the operation of the underground storage tank. The attached Schedule A lists the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located that are covered by the [insert "standby" where trust agreement is standby trust agreement] trust agreement.

### **Regulation 61-92.280.103. STANDBY TRUST FUND.**

Regulation 61-92.280.103, Section 3, shall be revised as follows:

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the Department of Environmental Services (Department). The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. [The Fund is established initially as a standby to receive payments and shall not consist of any property. This sentence is only applicable to the standby trust agreement.] Payments made by the provider of financial assurance pursuant to the Department's instruction are transferred to the Trustee and are referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor as provider of financial assurance, any payments necessary to discharge any liability of the Grantor established by the Department.

**Regulation 61-92.280.302. APPEALS.**

Regulation 61-92.280.302, Paragraphs (a) and (b) shall be revised as follows:

(a) A decision involving the issuance, denial, renewal, modification, suspension, or revocation of a permit or registration may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title 48, Chapter 6 and Title 1, Chapter 23.

(b) Any person to whom an order is issued may appeal it pursuant to applicable law, including S.C. Code Title 48, Chapter 6 and Title 1, Chapter 23.

**Regulation 61-98. State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation.**

Statutory Authority: 1976 Code Sections 44-2-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-98.I. Scope and Definitions.**

Regulation 61-98.I.A., shall be revised as follows:

A. Scope. This regulation, promulgated pursuant to the State Underground Petroleum Environmental Response Bank Act (SUPERB), sets forth certain requirements for site rehabilitation for releases from underground storage tanks (USTs) governed under the SUPERB Act and Regulation 61-92; accessing the SUPERB account; certification of site rehabilitation contractors and suspension and decertification of site rehabilitation contractors by the Department of Environmental Services (the Department).

**Regulation 61-104. Hazardous Waste Management Location Standards.**

Statutory Authority: 1976 Code Sections 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-104.I. Purpose and Scope.**

Regulation 61-104.I.B., shall be revised as follows:

B. The scope of the regulation is limited to issues of public health and protection of the environment. The authority to institute land use planning and zoning is an option to be instituted by local governments in South Carolina. Although the S.C. Department of Environmental Services is often requested to deny permits to industries which propose activities near residential or other areas, such requests can only be considered by the Department when public health and the environment are at risk. Aesthetic considerations, nuisances such as incidental odors, noises, and lights, or competing economic interest are mainly regulated through zoning by local governments and are not addressed in this regulation.

**Regulation 61-105. Infectious Waste Management Regulation.**

Statutory Authority: 1976 Code Sections 44-93-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-105.A. Purpose and Scope.**

Regulation 61-105.A(4), shall be revised as follows:

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(4) In addition to the requirements of this regulation, all other applicable requirements of the Department of Environmental Services shall be met.

### **Regulation 61-105.D. Definitions.**

Regulation 61-105.D(1)(b), (f), and (j), shall be revised as follows:

(b) [RESERVED]

(f) “Director” means the Director of the Department or his authorized agent.

(j) “Department” means the South Carolina Department of Environmental Services.

### **Regulation 61-105.E. Definition of Infectious Waste.**

Regulation 61-105.E(2)(d), shall be revised as follows:

(d) Infectious wastes generated in a private residence except when determined by the Director to be an imminent or substantial hazard to public health or the environment.

### **Regulation 61-105.M. Manifest Form Requirements For Generators.**

Regulation 61-105.M(1), shall be revised as follows:

(1) A generator who transports, or offers for transport, infectious waste for offsite treatment, storage, or disposal, must prepare a manifest using SCDES Form 2116 or another Department approved form and filled out in a legible manner according to the instructions for that form. The manifest form must accompany the waste at all times after leaving the generator’s facility. The manifest form will include, but is not limited to:

### **Regulation 61-105.BB. Enforcement.**

Regulation 61-105.BB(1), shall be revised as follows:

(1) Any person who violates any of the provisions of this regulation or any permit issued pursuant hereto, or any order issued by the Department shall be subject to applicable civil, administrative, and criminal penalties as provided for in the Infectious Waste Management Act.

### **Regulation 61-105.EE. Appeals**

Regulation 61-105.EE, shall be revised as follows:

(1) A Department decision involving the issuance, denial, renewal, suspension, or revocation of a permit, license, certificate, or certification may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title 48, Chapter 6 and Title 1, Chapter 23.

(2) Any person to whom an order is issued may appeal pursuant to applicable law, including S.C. Code Title 48, Chapter 6 and Title 1, Chapter 23.

### **Regulation 61-106. Tanning Facilities.**

Statutory Authority: 1976 Code Sections 13-7-10, 13-7-40, 13-7-45 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-106.1.2. Definitions.**

Regulation 61-106.1.2.5, shall be revised as follows:

1.2.5 “Department” means the South Carolina Department of Environmental Services.

**Regulation 61-106.1.11. Communications:**

Regulation 61-106.1.11, shall be revised as follows:

All communications and reports concerning these regulations, and registrations filed thereunder, shall be addressed to the Department at:

SC Department of Environmental Services  
Radiation Protection Program  
2600 Bull Street  
Columbia, SC 29201

**Regulation 61-106.1.12. Violations.**

Regulation 61-106.1.12.2, shall be revised as follows:

1.12.2 Any person to whom an order is issued may appeal it pursuant to applicable law, including S.C. Code Title 48, Chapter 6; and Title 1, Chapter 23.

**Regulation 61-106.2.2. Application for Registration of Tanning Facilities:**

Regulation 61-106.2.2.2, shall be revised as follows:

2.2.2 The registrant shall submit SCDES form 0826, Registration of Tanning Equipment, to SCDES, Radiation Protection Program, 2600 Bull Street, Columbia, SC 29201. Upon completion and receipt of SCDES form 0826, Registration of Tanning Equipment, the Department will issue a tanning facility registration number.

**Regulation 61-106.2.6. Denial, Suspension or Revocation of Registration:**

Regulation 61-106.2.6.1.1, shall be revised as follows:

1. For any material false statement on SCDES Form 0826 Registration of Tanning Equipment; in the application for registration or in the statement of fact required by provisions of this regulation.

Regulation 61-106.2.6.2, shall be revised as follows:

2.6.2 A Department decision involving the issuance, denial, suspension, or revocation of a registration may be appealed by an affected person pursuant to applicable law, including S.C. Code Title 48, Chapter 6; and Title 1, Chapter 23.

**Regulation 61-106.3.8. Warning Sign:**

Regulation 61-106.3.8.1, shall be revised as follows:

3.8.1 The following warning sign shall be conspicuously posted in the immediate proximity of each piece of tanning equipment. It shall be legible, and clearly visible, unobstructed by any barrier, equipment, or other item so that the consumer can easily view the warning sign before energizing this tanning equipment:



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If you receive any injury from the use of this tanning device, such as a burn or other physical injury, report this injury immediately to a tanning equipment operator and to the SC Department of Environmental Services, Radiation Protection Program, 2600 Bull Street, Columbia, SC 29201, or contact the Department by telephone at (803) 545-4400.

### **Regulation 61-107.2. Solid Waste Management: Full Cost Disclosure.**

Statutory Authority: 1976 Code Sections 44-96-90, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Regulation 61-107.2.B. Definitions.**

Regulation 61-107.2.B.4 and B.22, shall be revised as follows:

4. "Department" means the South Carolina Department of Environmental Services.

22. "State Solid Waste Management Plan" means the plan which the Department of Environmental Services is required to submit to the General Assembly and to the Governor pursuant to Section 44-96-80 of the South Carolina Solid Waste Policy and Management Act of 1991.

### **Regulation 61-107.3. Solid Waste Management: Waste Tires.**

Statutory Authority: 1976 Code Sections 44-96-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Regulation 61-107.3.B. Definitions.**

Regulation 61-107.3.B.1, shall be revised as follows:

1. "Department" means the South Carolina Department of Environmental Services.

### **Regulation 61-107.4. Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals.**

Statutory Authority: 1976 Code Sections 44-96-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Regulation 61-107.4.B. Definitions.**

Regulation 61-107.4.B.1, shall be revised as follows:

"Department" means the South Carolina Department of Environmental Services (SCDES).

### **Regulation 61-107.5. Solid Waste Management: Collection, Temporary Storage, and Transportation of Municipal Solid Waste.**

Statutory Authority: 1976 Code Sections 44-96-370, 44-96-450, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Regulation 61-107.5.B. Definitions.**

Regulation 61-107.5.B.2, shall be revised as follows:

2. "Department" means the South Carolina Department of Environmental Services.

**Regulation 61-107.6. Solid Waste Management: Solid Waste Processing Facilities.**

Statutory Authority: 1976 Code Sections 44-96-290, 44-96-300, 44-96-360, 44-96-400, 44-96-450, 44-96-460, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.6.B. Definitions.**

Regulation 61-107.6.B.4, shall be revised as follows:

4. "Department" means the South Carolina Department of Environmental Services.

**Regulation 61-107.7. Solid Waste Management: Transfer of Solid Waste.**

Statutory Authority: 1976 Code Sections 44-96-290, 44-96-300, 44-96-370, 44-96-400, 44-96-450, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.7.B. Definitions.**

Regulation 61-107.7.B.5, shall be revised as follows:

5. "Department" means the South Carolina Department of Environmental Services.

**Regulation 61-107.8. Solid Waste Management: Lead Acid Batteries.**

Statutory Authority: 1976 Code Sections 44-96-40, 44-96-180, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.8.B. Definitions.**

Regulation 61-107.8.B.2, B.5, and B.6, shall be revised as follows:

2. "Department" means the South Carolina Department of Environmental Services.

5. "Lead-acid battery collection facility" means a facility authorized by the Department of Environmental Services to accept lead-acid batteries from the public for temporary storage prior to recycling.

6. "Small sealed lead-acid battery collection facility" means a facility authorized by the Department of Environmental Services to accept small sealed lead-acid batteries from the public for temporary storage prior to recycling.

**Regulation 61-107.9. Solid Waste Management: White Goods.**

Statutory Authority: 1976 Code Sections 44-96-200, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.9.B. Definitions.**

Regulation 61-107.9.B.1, shall be revised as follows:

1. "Department" means the South Carolina Department of Environmental Services.

**Regulation 61-107.10. Solid Waste Management: Research, Development, and Demonstration Permit Criteria.**

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Statutory Authority: 1976 Code Sections 44-96-310, 44-96-450, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

### **Regulation 61-107.10.B. Definitions.**

Regulation 61-107.10.B.1, shall be revised as follows:

1. "Department" means the South Carolina Department of Environmental Services.

### **Regulation 61-107.12. Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities.**

Statutory Authority: 1976 Code Sections 44-96-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

### **Regulation 61-107.12.B. Definitions.**

Regulation 61-107.12.B.6, shall be revised as follows:

6. "Department" means the South Carolina Department of Environmental Services.

### **Regulation 61-107.14. Solid Waste Management: Municipal Solid Waste Landfill Operator's Certification.**

Statutory Authority: 1976 Code Sections 44-96-260, 44-96-460, 44-96-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

### **Regulation 61-107.14.B. Definitions.**

Regulation 61-107.14.B.1, shall be revised as follows:

1. "Department" means the South Carolina Department of Environmental Services.

### **Regulation 61-107.15. Solid Waste Management: Land Application and Solid Waste.**

Statutory Authority: 1976 Code Sections 44-96-260, 44-96-290, 44-96-310, 44-96-380, 44-96-450, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

### **Regulation 61-107.15.B. Definitions.**

Regulation 61-107.15.B.15, shall be revised as follows:

15. "Department" means the South Carolina Department of Environmental Services.

### **Regulation 61-107.17. Solid Waste Management: Demonstration-of-Need.**

Statutory Authority: 1976 Code Sections 44-96-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

### **Regulation 61-107.17.B. Definitions for the Purposes of this Regulation.**

Regulation 61-107.17.B.6 and B.15, shall be revised as follows:

6. “Department” means the South Carolina Department of Environmental Services.

15. “State Solid Waste Management Plan” means the plan which the Department of Environmental Services is required to submit to the General Assembly and to the Governor pursuant to S.C. Code Section 44-96-60 (1976, as amended).

**Regulation 61-107.17.F. Appeals.**

Regulation 61-107.17.F.2, shall be revised as follows:

2. A Department decision involving a demonstration-of-need may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title 48, Chapter 6; and Title 1, Chapter 23.

**Regulation 61-107.18. Solid Waste Management: Off-Site Treatment of Contaminated Soil.**

Statutory Authority: 1976 Code Sections 44-96-260, 44-96-290, 44-96-300, 44-96-310, 44-96-360, 44-96-450, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.18.B. Definitions As Used In This Regulation.**

Regulation 61-107.18.B.12, shall be revised as follows:

12. “Department” means the South Carolina Department of Environmental Services.

**Regulation 61-107.18.E. Technical Review and Design Requirements.**

Regulation 61-107.18.E.2.c.(12)(c), shall be revised as follows:

(c) Identify the valid SCDES Solid Waste Permit Number for the soil treatment facility.

**Regulation 61-107.18.G. Monitoring and Reporting Requirements.**

Regulation 61-107.18.G.3, shall be revised as follows:

3. Analytical data showing that all treated soil met appropriate standards, pursuant to Section F. of this regulation, prior to removal from the facility, shall be maintained on-site for a minimum of five (5) years from the date the results are received from the laboratory. This data shall be generated by a laboratory certified by SCDES for the required parameters and in accordance with SW-846, Chapter 9. This data shall be made available to the Department upon request.

**Regulation 61-107.19. Solid Waste Management: Solid Waste Landfills and Structural Fill.**

Statutory Authority: 1976 Code Sections 44-96-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.19, Part I. General Requirements.**

**Regulation 61-107.19, Part I.B. Definitions for the Purposes of this Regulation.**

Regulation 61-107.19, Part I.B.17, shall be revised as follows:

17. “Department” means the South Carolina Department of Environmental Services.

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### **Regulation 61-107.19, Part I.D. Permit Application Process.**

Regulation 61-107.19, Part I.D.1.c, shall be revised as follows:

c. A Department decision involving a determination listed herein, may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title 48, Chapter 6; and Title 1, Chapter 23.

### **Regulation 61-107.19, Part I.E. Financial Assurance Criteria.**

Regulation 61-107.19, Part I.E.4.i.(1), shall be revised as follows:

(1) A permittee may demonstrate financial assurance, wholly or in part, by assigning all rights, title and interest of a Certificate of Deposit (Certificate) to the Department, conditioned so that the permittee shall comply with the closure, post-closure care, or corrective action plan filed for the site. The amount of the Certificate shall be in an amount at least equal to the current closure, post-closure care, or corrective action cost estimate, whichever is applicable, for the site for which the permit application has been filed or any part thereof not covered by other financial assurance mechanisms. The permittee shall maintain the Certificate until proper final closure, post-closure care, or corrective action is completed. The original assignment of the Certificate of deposit shall be submitted to the Department to prove that the Certificate has been obtained and meets the requirements of this section. The Certificate shall be in the sole name of the South Carolina Department of Environmental Services and shall be issued by a financial institution that is insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation. The Certificate may not have a maturity date of less than six (6) months. Those Certificates with a maturity date of less than one year shall provide for automatic renewal. In those instances where renewal is not automatic, the permittee shall renew or replace the instrument no less than 60 days before the maturity date.

### **Regulation 61-107.19, Part I.I. Appeals.**

Regulation 61-107.19, Part I.I.1, shall be revised as follows:

1. A Department decision involving the issuance, denial, renewal, suspension, revocation or request for a variance of a permit may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title 48, Chapter 6; and Title 1, Chapter 23. Any person to whom an order is issued may appeal it pursuant to applicable law.

### **Regulation 61-107.19, Part IV. Class Two Landfills.**

#### **Regulation 61-107.19, Part IV.C. Operation Criteria for Class Two Landfills.**

Regulation 61-107.19, Part IV.C.12.c, shall be revised as follows:

c. Identify the valid SCDES Facility Identification Number.

### **Regulation 61-107.19, Part V. Class Three Landfills.**

#### **Regulation 61-107.19, Part V. Subpart A. General Provisions.**

Regulation 61-107.19, Part V.A.258.1.c, shall be revised as follows:

c. No Class Three landfill shall be operated in the State of South Carolina without first obtaining a written permit from the South Carolina Department of Environmental Services.

#### **Regulation 61-107.19, Part V. Subpart C. Operating Criteria.**

Regulation 61-107.19, Part V.C.258.36.c, shall be revised as follows:

- c. Identify the valid SCDES Facility I.D. Number for the facility.

**Regulation 61-107.279. Solid Waste Management: Used Oil.**

Statutory Authority: 1976 Code Sections 44-96-160, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.279.1. Definitions.**

Regulation 61-107.279.1.c, shall be revised as follows:

- c. “Department” means the South Carolina Department of Environmental Services.

**Regulation 61-107.279.42. Notification and Insurance Requirements.**

Regulation 61-107.279.42.b, shall be revised as follows:

b. A used oil transporter who has not received an EPA identification number may obtain one by notifying the Department of their used oil activity by submitting a completed SCDES Form 2701.

**Regulation 61-107.279.51. Notification and Permitting.**

Regulation 61-107.279.51.b, shall be revised as follows:

b. A used oil processor or re-refiner who has not received an EPA identification number may obtain one by notifying the Department of the used oil activity by submitting a completed SCDES Form 2701.

**Regulation 61-107.279.62. Notification.**

Regulation 61-107.279.62.b, shall be revised as follows:

b. A used oil burner who has not received an EPA identification number may obtain one by notifying the Department of their used oil activity by submitting a completed SCDES Form 2701.

**Regulation 61-107.279.73. Notification.**

Regulation 61-107.279.73.b, shall be revised as follows:

b. A marketer who has not received an EPA identification number may obtain one by notifying the Department of their used oil activity by submitting a completed SCDES Form 2701.

**Regulation 61-124. Consumer Electronic Equipment Collection and Recovery.**

Statutory Authority: 1976 Code Sections 48-60-5 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-124.B. Definitions.**

Regulation 61-124.B.11, shall be revised as follows:

- 11. “Department” means the South Carolina Department of Environmental Services (SCDES).

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### **Fiscal Impact Statement:**

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. These amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

### **Statement of Rationale:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES is amending these regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Document No. 5333

### **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

#### **CHAPTER 61**

Statutory Authority: 1976 Code Sections 44-55-10 et seq., 46-45-80, 48-1-10 et seq., 48-6-10 et seq., 49-4-10 et seq., 49-5-10 et seq., and 2023 Act No. 60, effective July 1, 2024

- 61-9. Water Pollution Control Permits.
- 61-43. Standards for the Permitting of Agricultural Animal Facilities.
- 61-44. Individual Residential Well and Irrigation Well Permitting.
- 61-58. State Primary Drinking Water Regulations.
- 61-67. Standards for Wastewater Facility Construction.
- 61-68. Water Classifications and Standards.
- 61-82. Proper Closeout of Wastewater Treatment Facilities.
- 61-87. Underground Injection Control Regulations.
- 61-101. Water Quality Certification.
- 61-110. Total Maximum Daily Loads for Pollutants in Water.
- 61-113. Groundwater Use and Reporting.
- 61-119. Surface Water Withdrawal, Permitting, Use and Reporting.

### **Synopsis:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES is amending R.61-9. Water Pollution Control Permits; R.61-43. Standards for the Permitting of Agricultural Animal Facilities; R.61-44. Individual Residential Well & Irrigation Well Permitting; R.61-58. State Primary Drinking Water Regulations; R.61-67. Standards for Wastewater Facility Construction; R.61-68. Water Classifications and Standards; R.61-82. Proper Closeout of Wastewater Treatment Facilities; R.61-87. Underground Injection Control Regulations; R.61-101. Water Quality Certification; R.61-110. Total Maximum Daily Loads (TMDLs) for Pollutants in Water; R.61-113. Groundwater Use and Reporting; and R.61-119.

Surface Water Withdrawal, Permitting, Use and Reporting, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

**Instructions:**

Amend the regulations as shown below. All other items remain unchanged.

**Text:**

**61-9. Water Pollution Control Permits.**

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-14-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**61-9.122. The National Pollutant Discharge Elimination System.**

**61-9.122.2. Definitions.**

**Regulation 61-9.122.2(b), “Application” definition, shall be revised as follows:**

“Application” means the uniform NPDES application form, including subsequent additions, revisions, or modifications thereof promulgated by the Administrator of EPA, and adopted for use by the Department or a State permit application form.

**Regulation 61-9.122.2(b), “Board” definition, shall be deleted.**

**Regulation 61-9.122.2(b), “Commissioner” definition, shall be deleted.**

**Regulation 61-9.122.2(b), “Department” definition, shall be revised as follows:**

“Department” means the S.C. Department of Environmental Services and shall also be inclusive of those persons within the Department authorized to administer the NPDES program.

**Regulation 61-9.122.2(b), “NPDES permit” definition, shall be revised as follows:**

“NPDES permit” means a permit issued by the Department to a discharger pursuant to regulations adopted by the Department for all point source discharges into surface waters, and shall constitute a final determination of the Department.

**61-9.122.41. Conditions applicable to all permits.**

**Regulation 61-9.122.41(e)(4)(ii) shall be revised as follows:**

(ii) Authority and applicability. Under Section 48-1-30 of the Code of Laws of South Carolina (1976 as amended), the Department is authorized to adopt such rules and regulations as may be necessary to implement the Pollution Control Act. This regulation applies to all sewer systems that have been or would be subject to a construction permit under Regulation 61-67 and whose owner owns or operates the wastewater treatment system to which the sewer discharges and which discharges under NPDES. Nothing in this regulation supersedes a more



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stringent requirement that may be imposed by sewer system owners that manage wastewater from satellite systems. This regulation (122.41(e)(4)) is effective when published in the State Register.

### **61-9.124. Procedures for Decision Making.**

#### **61-9.124.19. Appeal of NPDES and State Permits.**

**Regulation 61-9.124.19(a) shall be revised as follows:**

a. A Department decision involving issuance, denial, renewal, modification, suspension, or revocation of an NPDES, Land Application, or State permit may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code of Laws Section 48-6-30 and Title 44, Chapter 1.

**Regulation 61-9.124.19(b) shall be revised as follows:**

b. Any person to whom an order, related to an NPDES, Land Application, or State permit, is issued may appeal it pursuant to applicable law, including S.C. Code of Laws Section 48-6-30 and Title 44, Chapter 1.

### **61-9.503. Standards for the Use or Disposal of Sewage Sludge.**

#### **61-9.503.22. General requirements.**

**Regulation 61-9.503.22(a)(2) shall be revised as follows:**

(2) For any facility, except a landfill or a sludge only monofill, meeting the definition of a surface disposal site on or after the date of this regulation, a report detailing the final closure of the site must be submitted to the Department within one (1) year after the date of this regulation. The facility must be closed within five (5) years after the date of this regulation, and a plan must provide a schedule showing how the closure will be accomplished.

### **61-9.504. Standards for the Use or Disposal of Industrial Sludge.**

#### **61-9.504.22. General requirements.**

**Regulation 61-9.504.22(a)(2) shall be revised as follows:**

(2) For any facility, except a landfill or a sludge only monofill, meeting the definition of a land disposal site on the date of this regulation, either sufficient amount of sludge must be removed from the facility in order to change the facility's classification, or a report detailing final closure must be submitted to the Bureau of Water, Department of Environmental Services or an application for permitting under Solid Waste Regulations must be submitted to the Bureau of Land and Waste Management, Department of Environmental Services. Either the sludge removal must be accomplished within one year after the date of this regulation or the closeout report or permit application must be submitted to the Department within one (1) year after the date of this regulation. If closure is the selected option, the plan must provide a schedule showing how the closure will be accomplished. The land disposal site must be either closed under Regulation 61-82 or permitted by Solid Waste Management Regulations by June 28, 2001. Facilities will be in compliance with this section if a timely and complete application for closure or permit is made and through no fault of the applicant a closure approval or permit has not been issued.

### **61-9.505. Land Application Permits and State Permits.**

#### **61-9.505.6. Continuation of expiring Land Application permits or State permits.**

**Regulation 61-9.505.6(a)(3) shall be revised as follows:**

(3) The permittee has submitted a timely application under section 505.21 which is a complete application for a new permit and makes a timely appeal of the new permit in accordance with S.C. Code of Laws Section 48-6-30.

**61-9.505.41. Conditions applicable to all Land Application permits and State permits.**

**Regulation 61-9.505.41(e)(4)(ii) shall be revised as follows:**

(ii) Authority and applicability. Under Section 48-1-30 of the Code of Laws of South Carolina (1976 as amended), the Department is authorized to adopt such rules and regulations as may be necessary to implement the Pollution Control Act. This regulation applies to all sewer systems that have been or would be subject to a construction permit under Regulation 61-67 and whose owner owns or operates the wastewater treatment system to which the sewer discharges and which discharges under a State permit. Nothing in this regulation supersedes a more stringent requirement that may be imposed by sewer system owners that manage wastewater from satellite systems. This regulation (505.41(e)(4)) is effective when published in the State Register.

**61-9.600. Viability Requirements.**

**61-9.600.2. Definitions.**

**Regulation 61-9.600.2, “Department” definition, shall be revised as follows:**

“Department” means the South Carolina Department of Environmental Services.

**61-9.610. Operation and Maintenance of Satellite Sewer Systems.**

**61-9.610.2. Authority and applicability.**

**Regulation 61-9.610.2 shall be revised as follows:**

Under Section 48-1-30 of the Code of Laws of South Carolina (1976 as amended), the Department is authorized to adopt such rules and regulations as may be necessary to implement the Pollution Control Act. This regulation applies to all sewer systems that have been or would be subject to a construction permit under Regulation 61-67, except for those whose owner owns or operates the wastewater treatment system to which the sewer discharges and which discharges under NPDES or a State permit (see 122.41(e)(4) and 505.41(e)(4)), and to systems approved pursuant to 61-9.505.8. Nothing in this regulation supersedes a more stringent requirement that may be imposed by sewer system owners that manage wastewater from satellite systems. This regulation is effective when published in the State Register.

**61-43. Standards for the Permitting of Agricultural Animal Facilities.**

Statutory Authority: 1976 Code Sections 44-1-60, 44-1-65, 46-45-80, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

## **PART 50 GENERAL DEFINITIONS**

**Regulation 61-43, Part 50, “Confined Animal Manure Management (Camm) Certification” definition, shall be revised as follows:**

“Confined Animal Manure Management (Camm) Certification” means an operator, manager, or owner of an animal facility or manure utilization area, has received certification by completing a class and passing an exam

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that is provided by Clemson University, Clemson Extension, the South Carolina Department of Environmental Services, and the USDA Natural Resource Conservation Service.

**Regulation 61-43, Part 50, “Department” definition, shall be revised as follows:**

“Department” means the South Carolina Department of Environmental Services.

### **61-44. Individual Residential Well and Irrigation Well Permitting.**

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 44-55-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **A. PURPOSE AND SCOPE.**

**Regulation 61-44(A)(2) shall be revised as follows:**

2. The South Carolina Department of Environmental Services has concluded that the improper installation of individual residential wells and irrigation wells are endangering public health and the quality of groundwater in this state and therefore finds the need for regulation to govern installation of such wells.

### **61-58. State Primary Drinking Water Regulations.**

Statutory Authority: 1976 Code Sections 44-55-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **61-58. General.**

##### **B. Definitions.**

**Regulation 61-58 General(B)(14) shall be revised as follows:**

(14) Reserved.

**Regulation 61-58 General(B)(29) shall be revised as follows:**

(29) Reserved.

**Regulation 61-58 General(B)(43) shall be revised as follows:**

(43) "Department" means the South Carolina Department of Environmental Services.

##### **C. Appeals.**

**Regulation 61-58 General(C) shall be revised as follows:**

Any determination made by the Department pursuant to these regulations shall be subject to the provisions of S.C. Code of Laws Section 48-6-30 and the Administrative Procedures Act, S.C. Code of Laws Section 1-23-310 et seq.

#### **61-58.1. Construction and Operation Permits.**

##### **H. Requirements for a General Construction Permit.**

**Regulation 61-58.1(H)(4) shall be revised as follows:**

(4) The Department may revoke the general construction permit at any time during the five year period for failure to maintain the qualifications as specified in R.61-58.1(H)(1) or failure to comply with the conditions of the permit. Such revocation is subject to appeal in accordance with the Administrative Procedures Act, S.C. Code of Laws Section 1-23-310 et seq., S.C. Code of Laws Section 48-6-30, and applicable procedures for contested cases.

**I. Delegated Review Program.****Regulation 61-58.1(I)(3) shall be revised as follows:**

(3) The Department may revoke a system's delegated review authority at any time for failure to maintain the qualifications as specified in R.61-58.1(I)(1) or failure to comply with the permitting procedures under the delegated review program. Such revocation is subject to appeal in accordance with S.C. Code of Laws Section 48-6-30 and the Administrative Procedures Act, S.C. Code of Laws Section 1-23-310 et seq., for contested cases.

**N. Request for Review of Permit Decisions.****Regulation 61-58.1(N)(3) shall be revised as follows:**

3. The applicant may appeal the director's final decision on the permit in accordance with S.C. Code of Laws Section 48-6-30 and the Administrative Procedures Act, S.C. Code of Laws Section 1-23-310 et seq.

**O. Operating Permits.****Regulation 61-58.1(O)(4) shall be revised as follows:**

(4) For existing systems, the Department shall provide a draft of the operating permit to the applicant for comment, for at least a thirty (30) day period. If the applicant gives written notice of concurrence with the draft permit, the thirty (30) day comment period may be waived. After consideration of any comments received from the applicant, the Department will issue the operating permit. The operating permit will become effective on that date unless a review of the decision is requested in accordance with R.61-58.1(N), or appealed in accordance with S.C. Code of Laws Section 48-6-30 and the Administrative Procedures Act, S.C. Code of Laws Section 1-23-310 et seq.

**61-67. Standards for Wastewater Facility Construction.**

Statutory Authority: 1976 Code Sections 44-1-50, 48-1-110, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**61-67.100. General Provisions.****Regulation 61-67.100(D), "Department" definition, shall be revised as follows:**

"Department" means the South Carolina Department of Environmental Services.

**Regulation 61-67.100(D), "NPDES Permit" definition, shall be revised as follows:**

"NPDES Permit" means a permit issued by the Department to a discharger pursuant to regulations adopted by the Department for all point source discharges into surface waters.

**61-68. Water Classifications and Standards.**

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Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

### **B. DEFINITIONS.**

**Regulation 61-68(B)(31) shall be revised as follows:**

31. **Department** means the S.C. Department of Environmental Services.

### **E. GENERAL RULES AND STANDARDS APPLICABLE TO ALL WATERS.**

**Regulation 61-68(E)(1) shall be revised as follows:**

1. The General Assembly of South Carolina in the Act has declared the following policy: “It is declared to be the public policy of the State to maintain reasonable standards of purity of the air and water resources of the State, consistent with the public health, safety and welfare of its citizens, maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine fauna and flora, and the protection of physical property and other resources. It is further declared that to secure these purposes and the enforcement of the provisions of this Act, the [Department] shall have authority to abate, control and prevent pollution.”

#### **61-82. Proper Closeout of Wastewater Treatment Facilities.**

Statutory Authority: 1976 Code Sections 48-1-50, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

### **SECTION I: Definitions**

**Regulation 61-82, Section I, (6) shall be added as follows:**

6. Department—Department means the South Carolina Department of Environmental Services.

### **SECTION II: Proper closeout of lagoons**

**Regulation 61-82, Section II, (1) shall be revised as follows:**

1. Lagoons shall be drained only after written permission has been obtained from the Department and in accordance with one of the below procedures, (procedures in order of decreasing desirability):

**Regulation 61-82, Section II, (1)(c) shall be revised as follows:**

c. If neither of the above methods is possible, an alternative method of closeout may be proposed for Department consideration.

**Regulation 61-82, Section II, (3) shall be revised as follows:**

3. After the treated sewage has been drained from the lagoon, solid accumulation on the bottom of the lagoon shall be allowed to dry. A disinfectant suitable for control of odors and vectors shall be applied to all remaining solids when determined necessary by the Department. After drying, the solids should be mixed with soil and left on the bottom of the lagoon, be removed for disposal in an approved landfill, or disposed in some other approved method.

**Regulation 61-82, Section II, (4) shall be revised as follows:**

4. The lagoon may be filled with soil or may be allowed to remain bowlshaped, so as to be utilized for purposes other than waste handling, i.e., fish ponds, irrigation ponds, etc., provided that this practice does not violate local health and vector control regulations and Department approval of the close-out is obtained prior to any alternative use of the facility.

#### **SECTION IV: Proper closeout of waste treatment facilities not defined as lagoons and package plants**

##### **Regulation 61-82, Section IV, shall be revised as follows:**

Waste treatment facilities not defined as lagoons and package plants shall be closed out in accordance with guidelines issued by the Department on an individual basis. These guidelines shall be designed to prevent health hazards and to promote safety in and around the abandoned sites.

#### **SECTION V: Procedures applicable to all closeouts**

##### **Regulation 61-82, Section V, (1) shall be revised as follows:**

1. A request for site inspection for closeout shall be made by the responsible official to the Department.

##### **Regulation 61-82, Section V, (2) shall be revised as follows:**

2. A site inspection shall be conducted by the Department and authorization to proceed with closeout granted by the Department.

##### **Regulation 61-82, Section V, (3) shall be revised as follows:**

3. Monitoring as deemed necessary by the Department to prevent water quality violations or nuisance conditions will be established on a case-by-case basis and carried out in accordance with Department guidance.

##### **Regulation 61-82, Section V, (4) shall be revised as follows:**

4. Upon completion of closeout the responsible party shall request an inspection by the Department. The results of the inspection shall be reduced to writing and forwarded to the responsible official approving or disapproving the closeout. In cases of disapproval discrepancies shall be noted and a follow-up inspection scheduled.

##### **Regulation 61-82, Section V, (5) shall be revised as follows:**

5. Closeout will be considered accomplished only after approval in writing from the Department.

#### **61-87. Underground Injection Control Regulations.**

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

##### **61-87.2. Definitions.**

##### **Regulation 61-87.2 shall be revised as follows:**

The definition of any word or phrase used in these regulations shall be the same as defined in Section 48-1-10 of the 1976 Code, except that the following words and phrases shall have the following meaning and shall apply to the underground injection control program.

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A. “Abandoned well” means a well the use of which has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for monitoring purposes.

B. “Aquifer” means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of ground water to wells or springs.

C. “Casing” means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into permeable strata, or to prevent fluids from entering or leaving the hole.

D. “Cesspool” means a drywell that receives untreated sanitary waste containing human excreta, and which sometimes has an open bottom and/or perforated sides.

E. “Confining zone” means a geological formation, group of formations, or part of a formation that is capable of significantly limiting fluid movement above or below an injection zone.

F. “Contaminant” means any substance or matter which degrades the quality of naturally occurring water either directly or indirectly as a result of man’s activity.

G. “Department” means the South Carolina Department of Environmental Services.

H. “Drywell” means a well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

I. “Facility, operation or activity” means any injection well or system including land and appurtenances thereto.

J. “Flow rate” means the volume per unit of time of a fluid which emerges from an orifice, pump, turbine, or passes along a conduit or channel.

K. “Fluid” means material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

L. “Formation” means a body of rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily, tabular and is mappable on the earth’s surface or traceable in the subsurface.

M. “Formation fluid” means fluid present in a formation under natural conditions as opposed to introduced fluids.

N. “Ground water” means water below the land surface in a zone of saturation.

O. “Improved sinkhole” means a naturally occurring karst depression or other natural crevice found in volcanic terrain and other geological settings which have been modified by man for the purpose of directing and emplacing fluids into the subsurface.

P. “Injection” means the emplacement of fluid into the subsurface or ground waters by an injection well except fluids used in association with well construction, development, or abandonment.

Q. “Injection well” means any well which is used or intended to be used for injection.

R. “Injection zone” means a geological formation, group of formations, or part of a formation which is receiving injection, has received injection, or is intended to receive injection.

S. "Lithology" means the description of rocks on the basis of their physical and chemical characteristics.

T. "Non-contact system" means a closed system which conveys water pumped from the aquifer through a process on a once-through basis without significantly altering the chemical quality of the water to be returned to the aquifer.

U. "Owner/operator" means the person who owns the land on which a facility is located and/or the person who is responsible for the overall operation of the facility.

V. "Person" means any individual, federal agency, public or private corporation, political sub-division, government agency, municipality, industry, copartnership, association, firm, trust, estate, or any legal entity whatsoever.

W. "Point of injection for Class V wells" means the last accessible point prior to waste fluids being released into the subsurface environment through a Class V well.

X. "Pressure" means the total load or force per unit area acting on a surface.

Y. "Septic system" means a well that is used to emplace sanitary wastes below the surface and is typically comprised of a septic tank and subsurface fluid distribution system. The UIC requirements do not apply to single family residential septic systems nor to non residential septic systems which are used solely for disposal of sanitary waste and have the capacity to serve fewer than 20 persons a day.

Z. "Stratum (plural strata)" means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

AA. "Subsurface fluid distribution system" means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

BB. "Subsidence" means the lowering of the natural land surface in response to: Earth movements; lowering of fluid pressure; removal of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (Hydro-compaction); oxidation of organic matter in soils; or added load on the land surface.

CC. "Total dissolved solids (TDS)" means the amount of material in solution gravimetrically determined after filtering the sample through a 0.45-um membrane filter and drying at 180°C.

DD. "Underground source of drinking water (USDW)" means an aquifer or its portion:

- (1) Which supplies any public water system; or,
- (2) Which contains a sufficient quantity of ground water to supply a public water system; and,
  - (a) Currently supplies drinking water for human consumption; or,
  - (b) Contains water with fewer than ten thousand milligrams per liter total dissolved solids.

EE. "Waste" shall mean and include the following:

(1) "Sanitary waste" means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparations, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of the wastes may include single or multiple residences,



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hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities provided the water is not mixed with industrial wastes.

(2) "Industrial waste" means any superfluous liquid, gaseous, solid or other substance or a combination thereof resulting from any process of industry, manufacturing, trade or business.

(3) "Hazardous waste" has the meaning given in Section 44-56-20 of the 1976 South Carolina Code of Laws as amended and regulations promulgated pursuant thereto.

FF. "Well" means any excavation which is cored, bored, drilled, jetted, dug, or otherwise constructed the depth of which is greater than its largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.

GG. "Well injection" means the subsurface emplacement of fluids through a well.

### 61-101. Water Quality Certification.

Statutory Authority: 1976 Code Sections 48-1-30, 48-1-50, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### A. GENERAL

**Regulation 61-101(A)(6) shall be revised as follows:**

6. The Department is required by Federal law to issue, deny, or waive certification for Federal licenses or permits within one (1) year of acceptance of a completed application unless processing of the application is suspended. If the Federal permitting or licensing agency suspends processing of the application on request by the applicant or the Department or of its own volition, suspension of processing of application for certification will also occur, unless specified otherwise in writing by the Department. Unless otherwise suspended or specified in this regulation, the Department shall issue a decision on all applications within 180 days of acceptance or an application.

#### B. DEFINITIONS

**Regulation 61-101(B) shall be revised as follows:**

Other than those terms defined below, any term used in this regulation shall be the same as defined in Section 48-1-10 or Regulation 61-68 of the Code of Laws, 1976.

1. "Certification" means certification as required under Section 401 of the Clean Water Act, 33 U.S.C. Section 1341.

2. "Department" means the Department of Environmental Services.

#### F. SCOPE OF REVIEW FOR APPLICATION DECISIONS

**Regulation 61-101(F)(4) shall be revised as follows:**

4. Certification of the activities listed below will be issued when there are no feasible alternatives. When issuing certification for such activities, the Department shall condition the certification upon compliance with all measures necessary to minimize adverse effects, including stormwater management. The Department shall issue certification decisions on such applications within sixty (60) days of acceptance of the application unless

otherwise suspended or in accordance with State permitting agency procedures. The Department will also attempt to issue general certifications for such activities.

#### **G. NOTICE OF PROPOSED DECISIONS AND ADJUDICATORY HEARINGS FOR CERTIFICATIONS FOR FEDERAL LICENSES OR PERMITS**

**Regulation 61-101(G) section heading shall be revised as follows:**

#### **G. NOTICE OF DECISIONS AND APPEALS FOR CERTIFICATIONS FOR FEDERAL LICENSES OR PERMITS**

**Regulation 61-101(G)(1) shall be revised as follows:**

1. The Department shall issue a notice of decision on application for certification, including any conditions. Such notice shall advise of availability of the staff assessment and related file information. Such notice shall be mailed to:

- (a) the applicant;
- (b) agencies having jurisdiction or interest over the disposal site or activity site;
- (c) owners or residents of property adjoining the area of the proposed activity; and
- (d) those persons providing comment in response to the initial notice of application.

**Regulation 61-101(G)(3) shall be revised as follows:**

3. A person desiring to appeal a determination must do so within thirty (30) days in accordance with S.C. Code of Laws Section 48-6-30. The request must set forth the manner in which the person requesting the hearing would be injured by issuance of the certification.

#### **61-110. Total Maximum Daily Loads for Pollutants in Water.**

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **E. Notice of Proposed Decision**

**Regulation 61-110(E) shall be revised as follows:**

#### **E. Notice of Decision**

Department staff shall issue a notice of decision to submit a TMDL to the U.S. Environmental Protection Agency for approval. Such notice shall advise of availability of the final draft TMDL and related file information. Such notice shall be made available to those persons providing comment in response to the public notice and to those persons participating at an informational hearing.

#### **F. Administrative Appeal Process**

**Regulation 61-110(F)(1) shall be revised as follows:**

(1) The Notice of Decision may be appealed as a contested case in accordance with S.C. Code of Laws Section 48-6-30 and the S.C. Administrative Procedures Act, S.C. Code of Laws Section 1-23-310 et seq.

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### **Regulation 61-110(F)(2) shall be revised as follows:**

(2) A person desiring to appeal a TMDL must submit a written request within thirty (30) days in accordance with S.C. Code of Laws Section 48-6-30. The request must set forth the manner in which the person requesting the hearing would be injured by issuance of the TMDL.

### **61-113. Groundwater Use and Reporting.**

Statutory Authority: 1976 Code Sections 49-5-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **B. Definitions**

### **Regulation 61-113(B)(10) shall be revised as follows:**

10. Reserved.

### **Regulation 61-113(B)(11) shall be revised as follows:**

11. “Capacity Use Area” means an area, designated by the Department, where excessive groundwater withdrawal presents potential adverse effects to the natural resource or poses a threat to public health, safety, or economic welfare or where conditions pose a significant threat to the long-term integrity of a groundwater source, including saltwater intrusion.

### **Regulation 61-113(B)(17) shall be revised as follows:**

17. “Department” means the S.C. Department of Environmental Services.

#### **E. Permit Application**

### **Regulation 61-113(E)(2)(e) shall be revised as follows:**

e. A completed SCDES Water Well Record or other approved form and driller’s logs, if available;

#### **M. Hydrologic and Geologic Information**

### **Regulation 61-113(M)(3)(g) shall be revised as follows:**

g. Completed SCDES Water Well Record or other approved reporting form.

### **Regulation 61-113(M)(5)(a) shall be revised as follows:**

a. A completed SCDES Water Well Record or other approved form;

#### **N. Abandoned Wells**

### **Regulation 61-113(N)(3) shall be revised as follows:**

3. Upon completion of abandonment the well owner or his agent shall submit a completed SCDES Water Well Record or other approved form to the Department.

### **61-119. Surface Water Withdrawal, Permitting, Use and Reporting.**

Statutory Authority: 1976 Code Sections 49-4-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

## **B. DEFINITIONS.**

**Regulation 61-119(B)(6) shall be revised as follows:**

6. 'Department' means the Department of Environmental Services.

## **P. OTHER DEPARTMENT AUTHORITY.**

**Regulation 61-119(P)(1)(a) shall be revised as follows:**

- a. The Department may, in consultation with the SCDNR, negotiate agreements, accords, or compacts on behalf of and in the name of the State of South Carolina with other states or the United States, or both, with any agency, department, or commission of either, or both, relating to transfers of water that impact waters of this State, or are connected to or flowing into waters of this State. Any agreements, accords, or compacts made by the Department pursuant to this section must be approved by concurrent resolution of the General Assembly prior to being implemented.

## **Q. SURFACE WATER PERMITTING AND WITHDRAWAL FEES.**

**Regulation 61-119(Q)(4)(b) shall be revised as follows:**

- b. All returned checks will be subject to a returned check fee as outlined in the Department's Administrative Policy and Procedures Manual. This penalty will be in addition to those outlined in item Q.3.d above.

**Regulation 61-119(Q)(4)(d) shall be revised as follows:**

- d. All fees shall be payable to the Department of Environmental Services.

## **Fiscal Impact Statement:**

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. These amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

## **Statement of Rationale:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES is amending these regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

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Document No. 5337

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 72

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-14-10 et seq., 49-11-240, and 2023 Act No. 60, effective July 1, 2024

72-1 through 72-9. Dams and Reservoirs Safety Act Regulations.

72-300 through 72-316. Standards for Stormwater Management and Sediment Reduction.

#### Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES is amending R.72-1 through 72-9, Dams and Reservoirs Safety Act Regulations, and R.72-300 through 72-316, Standards for Stormwater Management and Sediment Reduction, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

#### Instructions:

Amend the regulations as shown below. All other items remain unchanged.

#### Text:

#### 72-1 through 72-9. Dams and Reservoirs Safety Act Regulations.

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 49-11-240, and 2023 Act No. 60, effective July 1, 2024

#### 72-1. Definitions.

##### Regulation 72-1(A) shall be revised as follows:

A. “Department” means the South Carolina Department of Environmental Services or its staff or agents.

##### Regulation 72-1(B) shall be revised as follows:

B. Reserved.

#### 72-2. Dam Classifications and Exemptions.

##### Regulation 72-2(D)(5) shall be revised as follows:

5. Any dam, which in the judgement of the Department, because of its size and location could pose no significant threat of danger to downstream life or property. Upon request, Certificates of Exemption are available from the Department for dams in this category.

#### **72-9. Hearings and Hearing Procedures.**

##### **Regulation 72-9(B) shall be revised as follows:**

B. A hearing may be initiated by any owner, provided that a written request is received within thirty (30) days after notice is given to the owner of the adverse action. The contested case hearing will be held before an Administrative Law Judge. Any request for a hearing shall be filed in accordance with S.C. Code of Laws Section 48-6-30.

##### **Regulation 72-9(C) shall be revised as follows:**

C. Any subsequent judicial review of the order of the Administrative Law Judge shall be allowed in accordance with the South Carolina Administrative Procedures Act and any applicable rules and regulations.

#### **72-300 through 72-316. Standards for Stormwater Management and Sediment Reduction.**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-14-10 et seq., and 2023 Act No. 60, effective July 1, 2024.

#### **72-301. Definitions.**

##### **Regulation 72-301(10) shall be revised as follows:**

10. "Designated Watershed" means a watershed designated by a local government and approved by the Commission, Department of Environmental Services and the South Carolina Water Resources Commission and identified as having an existing or potential stormwater, sediment control, or nonpoint source pollution problem.

#### **72-304. Criteria for Delegation/Revocation of Programs.**

##### **Regulation 72-304(G) shall be revised as follows:**

G. If the Commission denies a request for delegation, the local government or conservation district may appeal the decision of the Commission by requesting an administrative hearing within 30 days after receipt of written notification as described in S.C. Code of Laws Section 48-6-30.

##### **Regulation 72-304(K)(2) shall be revised as follows:**

(2) If the request for delegation of program components are disapproved, the local government may appeal the decision of the Commission by requesting an administrative hearing within 30 days after receiving written notification of the disapproval as described in S.C. Code of Laws Section 48-6-30.

##### **Regulation 72-304(M) shall be revised as follows:**

M. Upon suspension of the delegation, the implementing agency has the right to file an appeal within 30 days of the notification of the suspension following procedures listed in S.C. Code of Laws Section 48-6-30. The Commission shall administer the program during the appeal process.

#### **72-309. Criteria for Designated Watersheds.**

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### **Regulation 72-309(B) shall be revised as follows:**

B. Included with the recommendation of a watershed for Designated Watershed status to the Commission shall be an identification of the specific problems that exist in the watershed so that the pursuit of a watershed study is warranted. Designation as a Designated Watershed requires approval by the Commission, the South Carolina Water Resources Commission and the South Carolina Department of Environmental Services. A significant water quantity or water quality problem must exist that would support this designation. Also, inclusion of a watershed as a Designated Watershed will necessitate a public hearing process. The process of designating a watershed shall be based on the following information:

### **Regulation 72-309(C) shall be revised as follows:**

C. Following an adequate review of the recommendation, staff of the Commission, South Carolina Water Resources Commission, and the South Carolina Department of Environmental Services shall meet to review and discuss their decision regarding designation. The staff shall prepare a statement in support of, or objection to, the proposed designation within 120 days following receipt of the recommendation by the Commission. The statement shall be voted upon by the appointed commissioners of each respective agency. Ex-officio members of the South Carolina Water Resources Commission representing the Land Resources Conservation Commission and the South Carolina Department of Environmental Services shall abstain from voting regarding designation at the meeting of the South Carolina Water Resources Commission. Approval by each of the three agencies shall constitute designation.

### **Regulation 72-309(D) shall be revised as follows:**

D. Upon approval of designation, a Watershed Advisory Committee shall be established to advise and provide guidance in the development and conduct of the watershed master plan. The Commission, South Carolina Water Resources Commission, and the South Carolina Department of Environmental Services will appoint the Watershed Advisory Committee which shall include State, District, local government representatives, and also representatives of the regulated community within the watershed and other persons which may be affected by the plan.

### **Regulation 72-309(E)(8) shall be revised as follows:**

(8) A public hearing prior to final Commission, S.C. Water Resources Commission and S.C. Department of Environmental Services approval of the watershed study.

### **72-313. Hearings and Hearings Procedures.**

B. Requests for administrative hearings and appeals may be made to local governments when program elements are delegated by the Commission or to the Commission when the Commission functions as the implementing agency. In addition, administrative hearings and appeals may be held by the Commission regarding decisions or actions of local implementing agencies. Procedures for acting on appeals and conducting administrative hearings by local implementing agencies will be specified in their request for delegation of program element. The Commission procedures for conducting administrative hearings is specified in S.C. Code of Laws Section 48-6-30.

### **Fiscal Impact Statement:**

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. These amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

**Statement of Rationale:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES is amending these regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Document No. 5343

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**CHAPTER 89**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-20-10 et seq., and 2023 Act No. 60, effective July 1, 2024

89-10 through 89-350. Office of the Governor – Mining Council of South Carolina.

**Synopsis:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES is amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

**Instructions:**

Amend the regulations as shown below. All other items remain unchanged.

**Text:****Regulation 89-10 through 89-350. Office of the Governor – Mining Council of South Carolina.**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-20-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 89-170. Departmental Procedure for Granting a Permit.**

Regulation 89-170.B, shall be revised as follows:



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B. The Department may refer copies of the Application for a Mining Permit to the State Water Resources Commission, Department of Environmental Services, Wildlife and Marine Resources Department, Coastal Council, Department of Archives and History, Institute of Archeology and Anthropology, Department of Highways and Public Transportation, appropriate County Council or County Administrator's office, appropriate town or municipal government office or other state or local agencies for review and comment. The Department may request the assistance of other state agencies or local agencies in evaluating the application and the reclamation plan or in developing the terms and conditions.

### **Regulation 89-330. Criteria for Approval of Reclamation Plan and Completed Land Reclamation.**

Regulation 89-330.D(3)(d), shall be revised as follows:

(d) All waters shall conform to standards set forth by the South Carolina Department of Environmental Services for surface waters in South Carolina. The specified standards will not be considered violated when values outside the established limits are caused by natural conditions and when no significant environmental harm would result;

Regulation 89-330.I, shall be revised as follows:

I. Minimum standards for reclamation involving a sanitary landfill or other waste disposal.

The Department will refer this type of reclamation over to the South Carolina Department of Environmental Services for permitting, administration and enforcement of operational and monitoring requirements. When the Department receives notice that the South Carolina Department of Environmental Services' requirements have been met, the Department will then release all or the appropriate portion of the operator's surety bond or other security, provided that the operator has established on a continuing basis the vegetative or other ground cover necessary to control or prevent erosion, the soil stability, and the water and safety conditions, appropriate to the area as required by these regulations.

### **Fiscal Impact Statement:**

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. These amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

### **Statement of Rationale:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES is amending these regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Document No. 5323

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL****CHAPTER 121**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-43-10 et seq., and 2023 Act No. 60, effective July 1, 2024

R.121-8.0 through 121-8.28. Oil and Gas Exploration, Drilling, and Production.

**Synopsis:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES is amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, South Carolina State Register.

**Instructions:**

Amend the regulations as shown below. All other items remain unchanged.

**Text:****Regulation 121-8.0 through 121-8.28. Oil and Gas Exploration, Drilling, and Production.**

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-43-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 121-8.23. Water Wells.**

Regulation 121-8.23, shall be revised as follows:

Any water well used in connection with the drilling of an oil or gas well shall be constructed in such a manner that will ensure proper protection from contamination of the fresh water aquifers. Said well shall be grouted to a depth of at least 50 feet or until the first impermeable layer is encountered (where applicable). Upon completion of said well, a complete well construction report and a driller's log, or lithologic log, shall be submitted to the Commission within thirty (30) days and before beginning drilling operations for the oil or gas well. After drilling and/of production operations have ceased, the water well shall be properly plugged or when the well to be plugged may safely be used for a fresh water well, or as an observation well to be maintained by the Commission, a written agreement for such use shall be secured from the landowners, or the Commission and filed with the agency. (NOTE: Any water well drilled in connection with an oil or gas well, which might be used as a drinking water source, may require a permit from the South Carolina Department of Environmental Services as a public supply well).

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### Fiscal Impact Statement:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. These amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

### Statement of Rationale:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES is amending these regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Document No. 5324

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 61

Statutory Authority: 1976 Code Sections 44-55-610 et seq., 44-55-825, 44-55-827, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

61-56. Onsite Wastewater Systems.

61-81. State Environmental Laboratory Certification Program.

### Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES is amending R.61-56. Onsite Wastewater Systems, and R.61-81. State Environmental Laboratory Certification Program, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

### Instructions:

Amend the regulations as shown below. All other items remain unchanged.

### Text:

#### Regulation 61-56, Onsite Wastewater Systems.

Statutory Authority: 1976 Code Sections 44-55-610 et seq., 44-55-825, 44-55-827, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-56.101, Definitions and References.**

Regulation 61-56.101. Definitions, unnumbered definition of “Department,” shall be revised as follows:

Department – The South Carolina Department of Environmental Services (SCDES).

**Regulation 61-56.102, Onsite Wastewater System Site Evaluation and Fees.**

Regulation 61-56.102.3, shall be revised as follows:

Funds derived from these fees shall be used only for the provision of services and accompanying expenses associated with the Department’s Bureau of Regional and Laboratory Services programs.

**Regulation 61-56.200, Minimum Site Conditions for Onsite Wastewater Systems.**

Regulation 61-56.200.6(3), shall be revised as follows:

(3) Prior to permitting the onsite wastewater system, jurisdictional determination of any affected wetlands may be required. Should any part of the proposed onsite wastewater system be located in wetlands, approval from the appropriate permitting agency(s) (e.g., U.S. Army Corps of Engineers, SCDES Coastal Management, etc.) shall be received, and proof of such provided to the Department.

**Regulation 61-56.204, Evaluation of Alternative Infiltration Trench Products.**

Regulation 61-56.204.2(3)(c), shall be revised as follows:

(c) The Required Total Length of the Product Shall Be Calculated As Follows:

Length of Product (L) = E x Length of Conventional 36 in. Wide Trenches Required by SCDES Regulations and Standards

**Regulation 61-56.400. APPENDICES OF STANDARDS FOR PERMITTED SYSTEMS.**

Regulation 61-56.400. Appendix A, Figure insert of “Typical Design Illustration,” shall be replaced with:



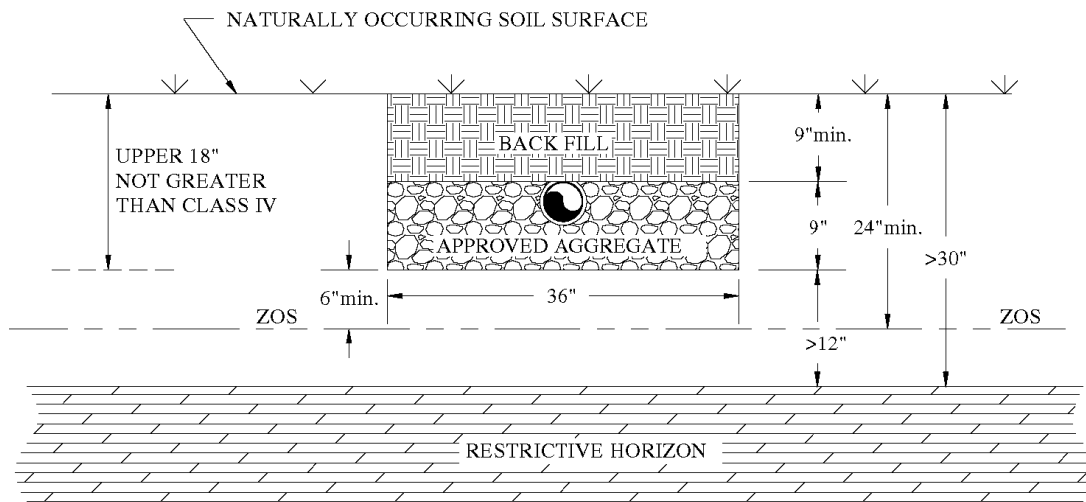
Regulation 61-56.400. Appendix C, Figure insert of "Typical Design Illustration," shall be replaced with:

**SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES  
BUREAU OF REGIONAL AND LABORATORY SERVICES**

ALTERNATIVE STANDARD  
SHALLOW PLACEMENT WITH NINE (9) INCH AGGREGATE DEPTH

PROGRAM 362 / CODE 210 / CODE 211 IF PUMPED

**TYPICAL DESIGN ILLUSTRATION**



NOT TO SCALE

Rev. 06/06/2024

## 102 FINAL REGULATIONS

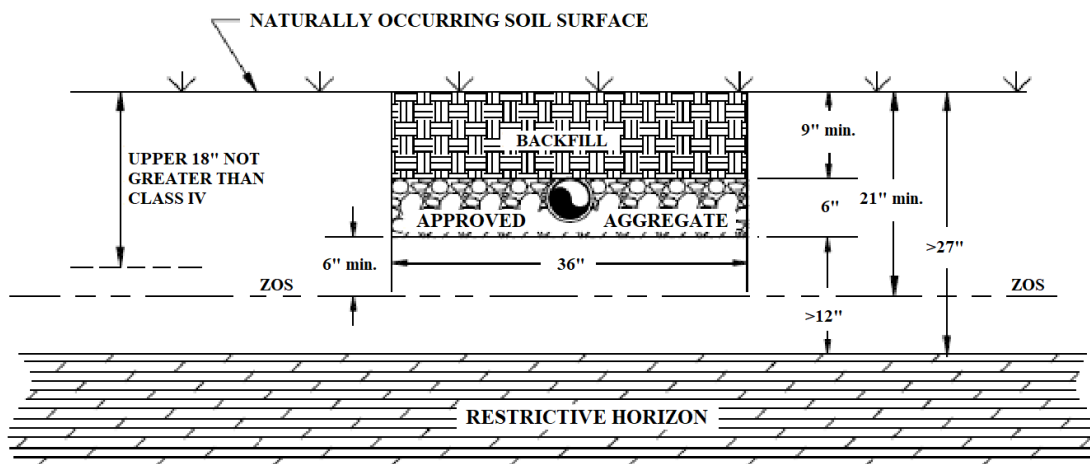
Regulation 61-56.400. Appendix D, Figure insert of "Typical Design Illustration," shall be replaced with:

**SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES  
BUREAU OF REGIONAL AND LABORATORY SERVICES**

**ALTERNATIVE STANDARD  
SHALLOW PLACEMENT WITH SIX (6) INCH AGGREGATE DEPTH**

**PROGRAM 362 / CODE 220 / CODE 221 IF PUMPED**

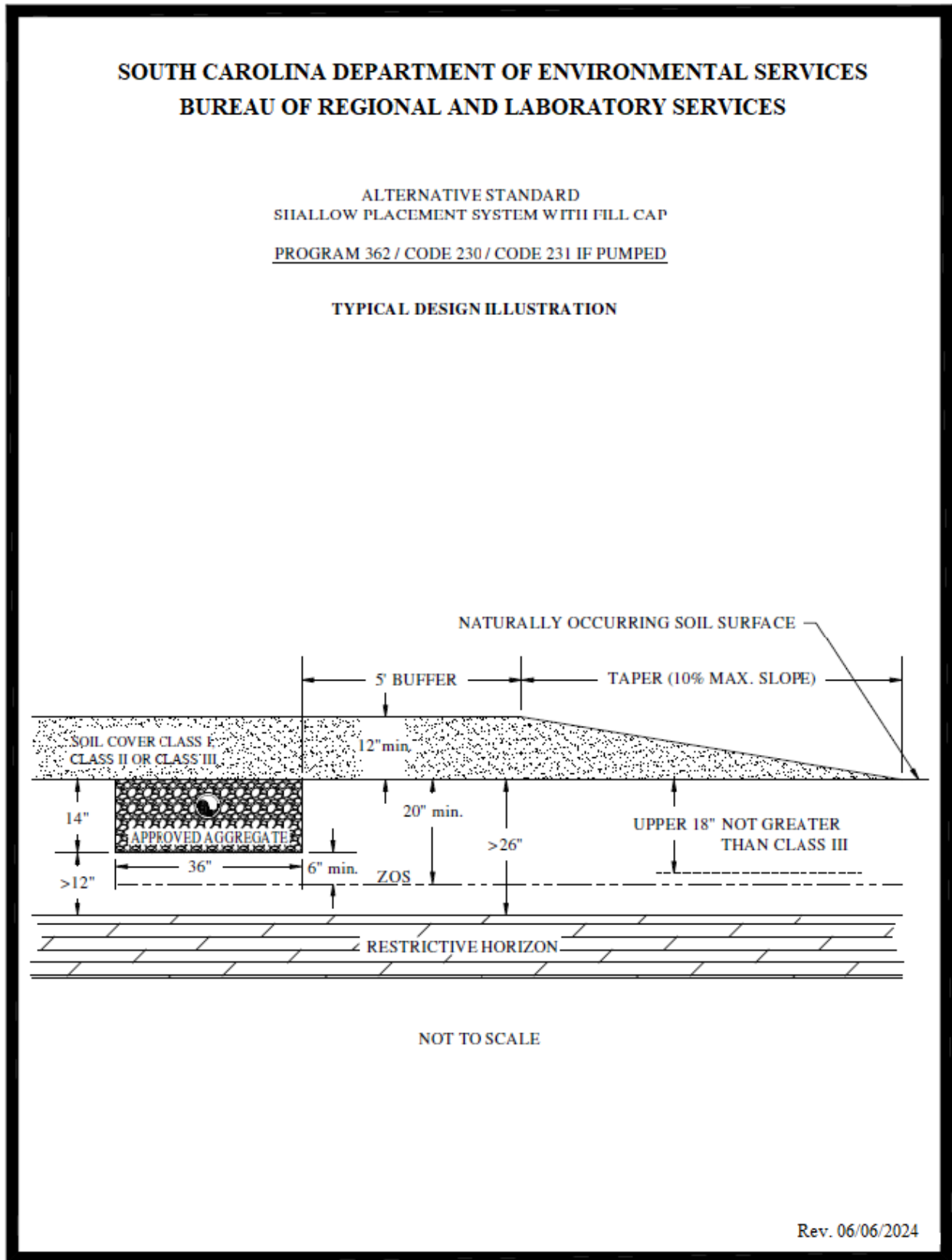
**TYPICAL DESIGN ILLUSTRATION**



NOT TO SCALE

Rev. 06/06/2024

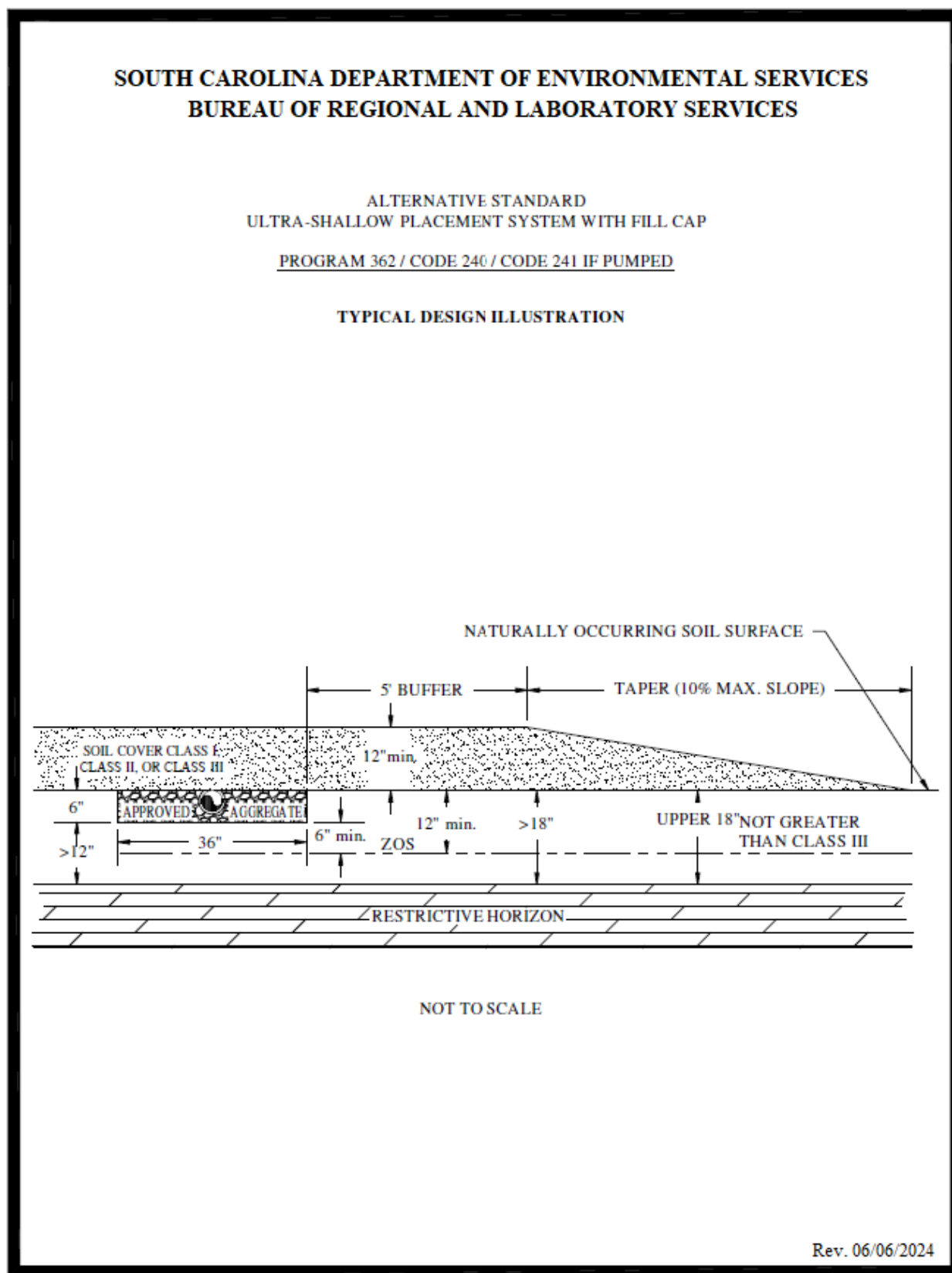
Regulation 61-56.400. Appendix E, Figure insert of “Typical Design Illustration,” shall be replaced with:





## 104 FINAL REGULATIONS

Regulation 61-56.400. Appendix F, Figure insert of “Typical Design Illustration,” shall be replaced with:



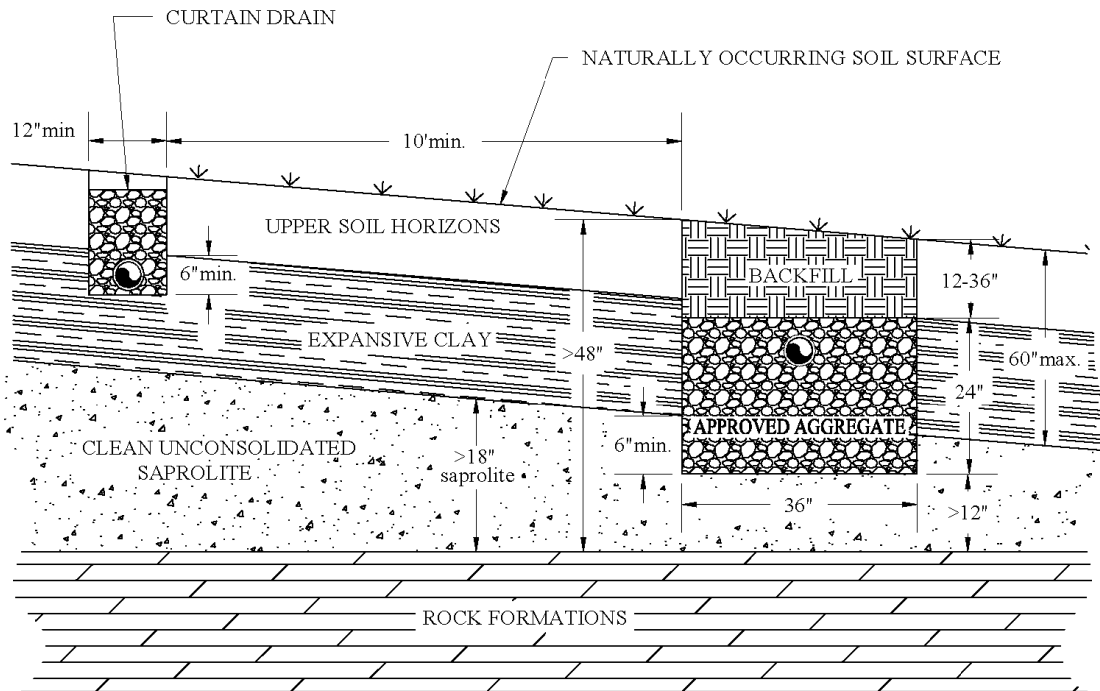
Regulation 61-56.400. Appendix G, Two figure inserts of “Typical Design Illustration (A)” and “Typical Design Illustration (B),” shall be replaced with:

**SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES  
BUREAU OF REGIONAL AND LABORATORY SERVICES**

ALTERNATIVE SYSTEM  
RESERVOIR INFILTRATION SYSTEM FOR SOILS WITH EXPANSIVE CLAY

PROGRAM 362 / CODE 250 / CODE 251 IF PUMPED

**TYPICAL DESIGN ILLUSTRATION (A)  
STANDARD INSTALLATION**



NOTE: FOR SOILS WITH THICK EXPANSIVE CLAY HORIZONS  
(i.e., DEPTH TO SAPROLITE > 60 INCHES BELOW NATURALLY OCCURRING SOIL SURFACE)  
SEE TYPICAL DESIGN ILLUSTRATION (B)

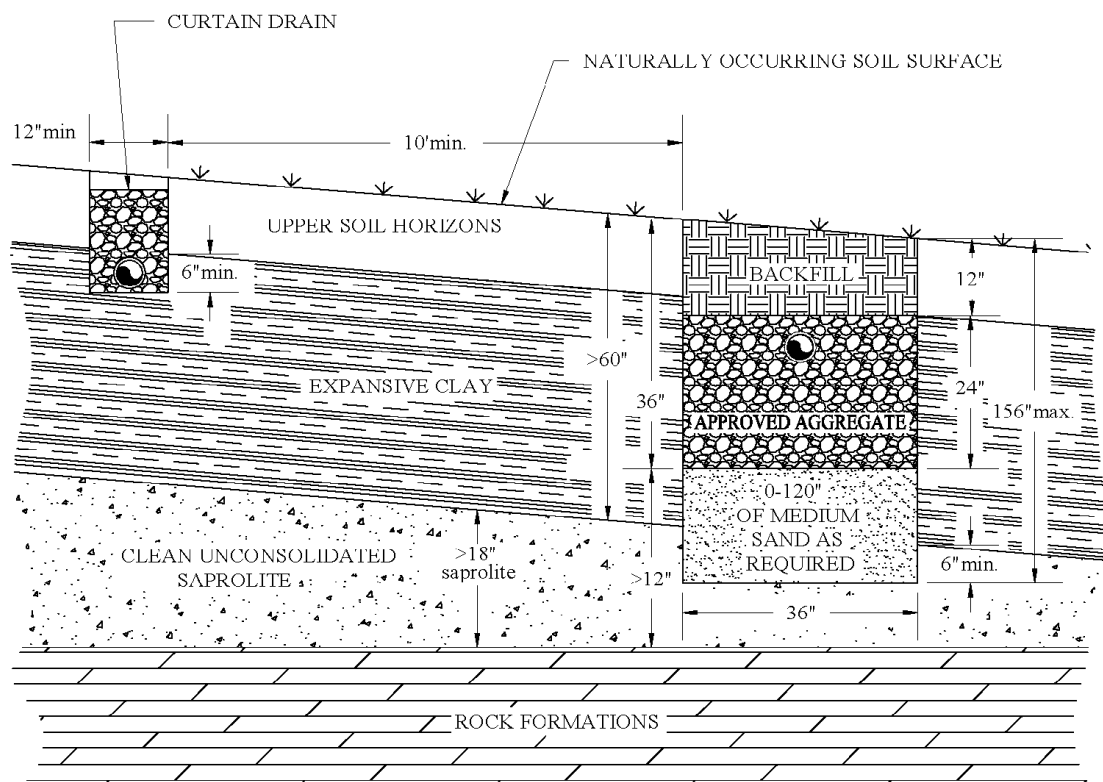
NOT TO SCALE  
Rev. 06/06/2024

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES  
BUREAU OF REGIONAL AND LABORATORY SERVICES

ALTERNATIVE SYSTEM  
RESERVOIR INFILTRATION SYSTEM FOR SOILS WITH EXPANSIVE CLAY

PROGRAM 362 / CODE 250 / CODE 251 IF PUMPED

TYPICAL DESIGN ILLUSTRATION (B)  
WHERE DEPTH TO SAPROLITE > 60in. BELOW SURFACE



NOTE: FOR SOILS WITH THINNER EXPANSIVE CLAY HORIZONS  
(i.e., DEPTH TO SAPROLITE NOT >60in. BELOW NATURALLY OCCURRING SOIL SURFACE)  
SEE TYPICAL DESIGN ILLUSTRATION (A)

NOT TO SCALE  
Rev. 06/06/2024

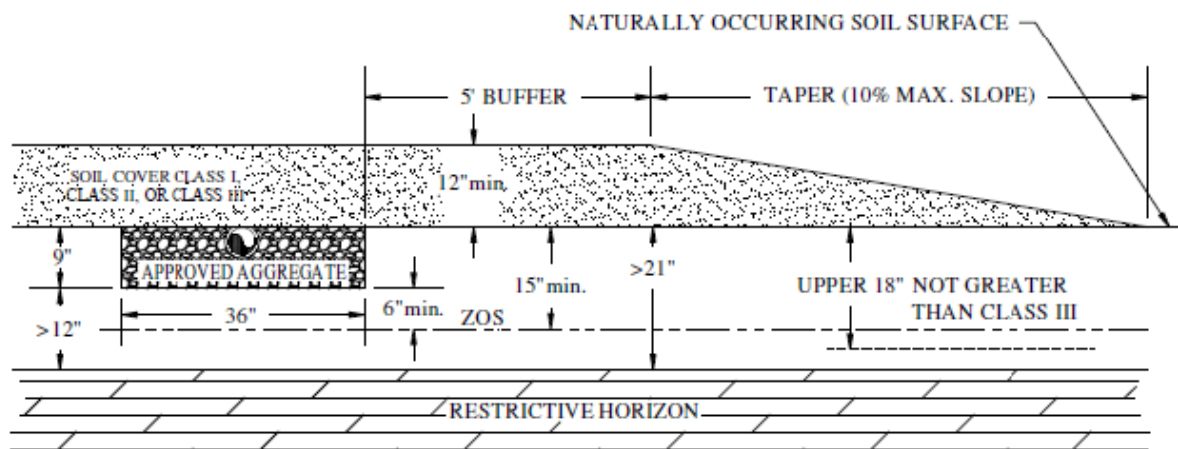
Regulation 61-56.400. Appendix H, Figure insert of “Typical Design Illustration,” shall be replaced with:

**SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES**  
**BUREAU OF REGIONAL AND LABORATORY SERVICES**

ALTERNATIVE STANDARD  
NINE INCH SHALLOW PLACEMENT WITH FILL CAP

PROGRAM 362 / CODE 260 / CODE 261 IF PUMPED

### TYPICAL DESIGN ILLUSTRATION

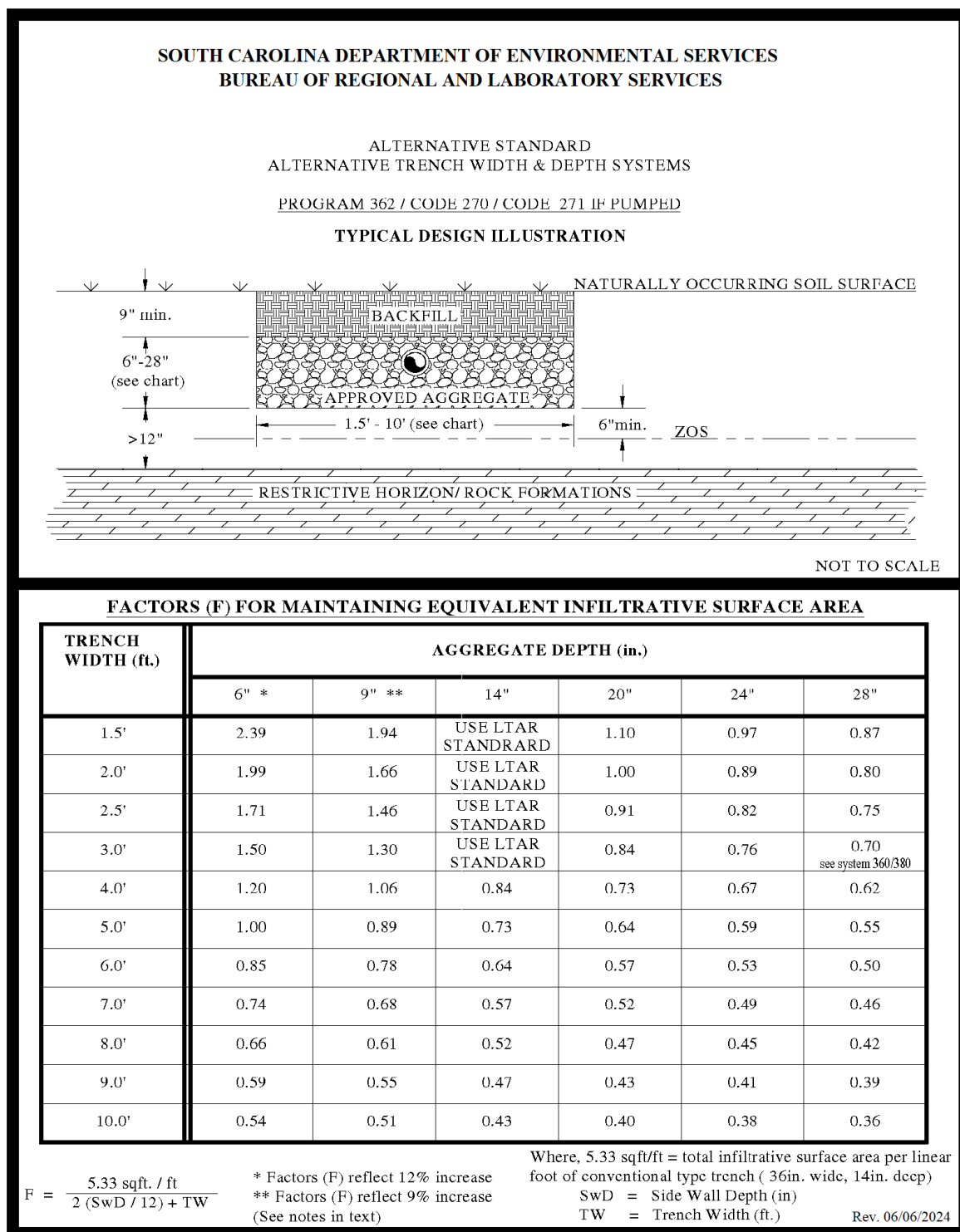


NOT TO SCALE

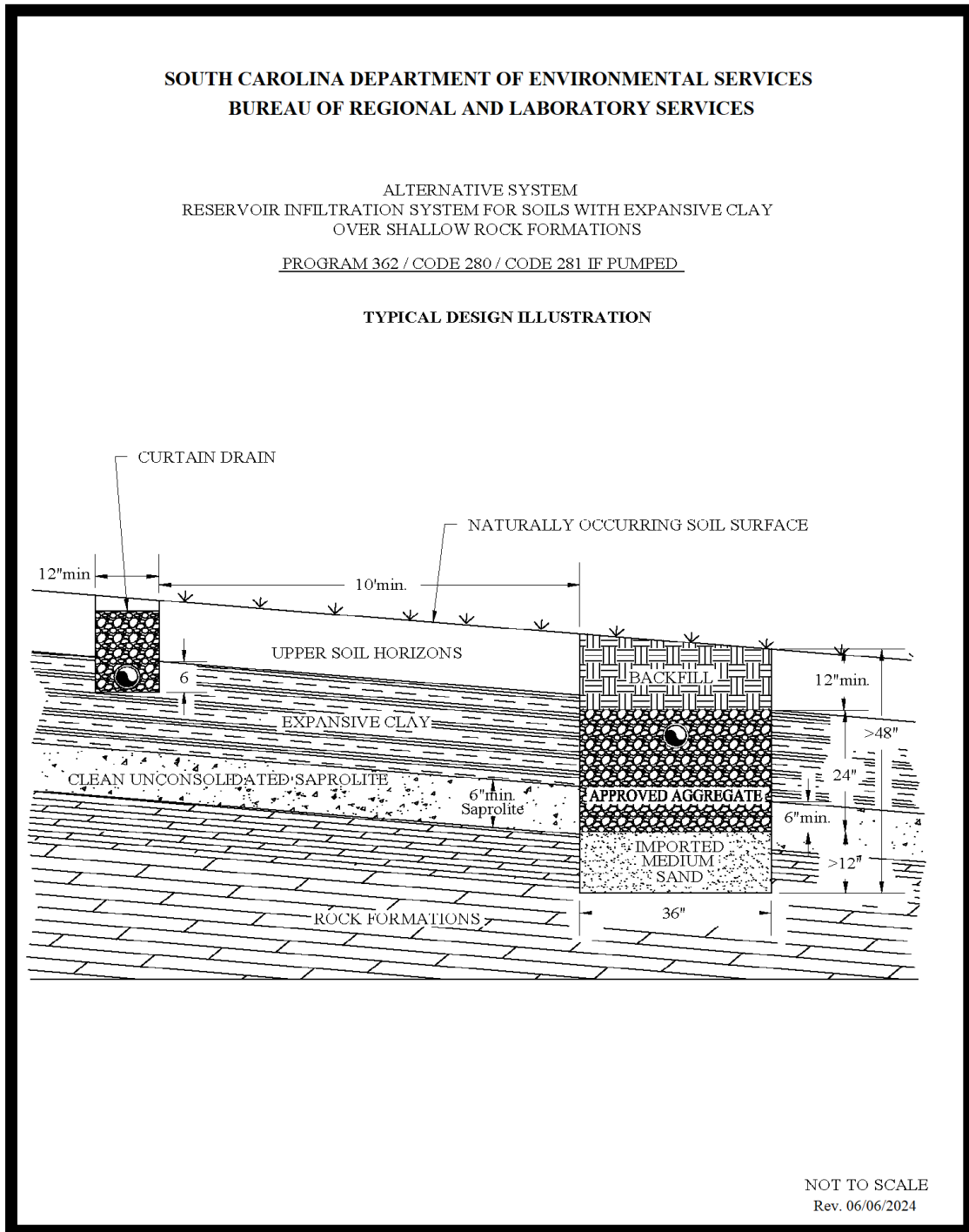
Rev 06/06/2024

## 108 FINAL REGULATIONS

Regulation 61-56.400. Appendix I, Figure insert of "Typical Design Illustration," shall be replaced with:



Regulation 61-56.400. Appendix J, Figure insert of “Typical Design Illustration,” shall be replaced with:



## 110 FINAL REGULATIONS

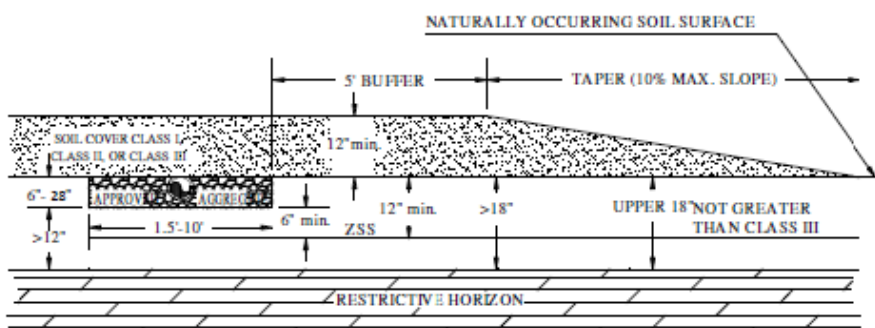
Regulation 61-56.400. Appendix K, Figure insert of "Typical Design Illustration," shall be replaced with:

### SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF REGIONAL AND LABORATORY SERVICES

#### ALTERNATIVE STANDARD ALTERNATIVE TRENCH WIDTH & DEPTH SYSTEMS

#### PROGRAM 362 / CODE 290 / CODE 291 IF PUMPED

#### TYPICAL DESIGN ILLUSTRATION



NOT TO SCALE

#### FACTORS (F) FOR MAINTAINING EQUIVALENT INFILTRATIVE SURFACE AREA

| TRENCH<br>WIDTH (ft.) | AGGREGATE DEPTH (in.) |       |                      |      |      |   |
|-----------------------|-----------------------|-------|----------------------|------|------|---|
|                       | 6" *                  | 9" ** | 14"                  | 20"  | 24"  | 28"                                       |
| 1.5'                  | 2.39                  | 1.94  | USE LTAR<br>STANDARD | 1.10 | 0.97 | 0.87                                      |
| 2.0'                  | 1.99                  | 1.66  | USE LTAR<br>STANDARD | 1.00 | 0.89 | 0.80                                      |
| 2.5'                  | 1.71                  | 1.46  | USE LTAR<br>STANDARD | 0.91 | 0.82 | 0.75                                      |
| 3.0'                  | 1.50                  | 1.30  | USE LTAR<br>STANDARD | 0.84 | 0.76 | 0.70<br><small>ice system 360/380</small> |
| 4.0'                  | 1.20                  | 1.06  | 0.84                 | 0.73 | 0.67 | 0.62                                      |
| 5.0'                  | 1.00                  | 0.89  | 0.73                 | 0.64 | 0.59 | 0.55                                      |
| 6.0'                  | 0.85                  | 0.78  | 0.64                 | 0.57 | 0.53 | 0.50                                      |
| 7.0'                  | 0.74                  | 0.68  | 0.57                 | 0.52 | 0.49 | 0.46                                      |
| 8.0'                  | 0.66                  | 0.61  | 0.52                 | 0.47 | 0.45 | 0.42                                      |
| 9.0'                  | 0.59                  | 0.55  | 0.47                 | 0.43 | 0.41 | 0.39                                      |
| 10.0'                 | 0.54                  | 0.51  | 0.43                 | 0.40 | 0.38 | 0.36                                      |

$$F = \frac{5.33 \text{ sqft. / ft}}{2 (\text{SwD} / 12) + \text{TW}}$$

\* Factors (F) reflect 12% increase

\*\* Factors (F) reflect 9% increase

(See notes in text)

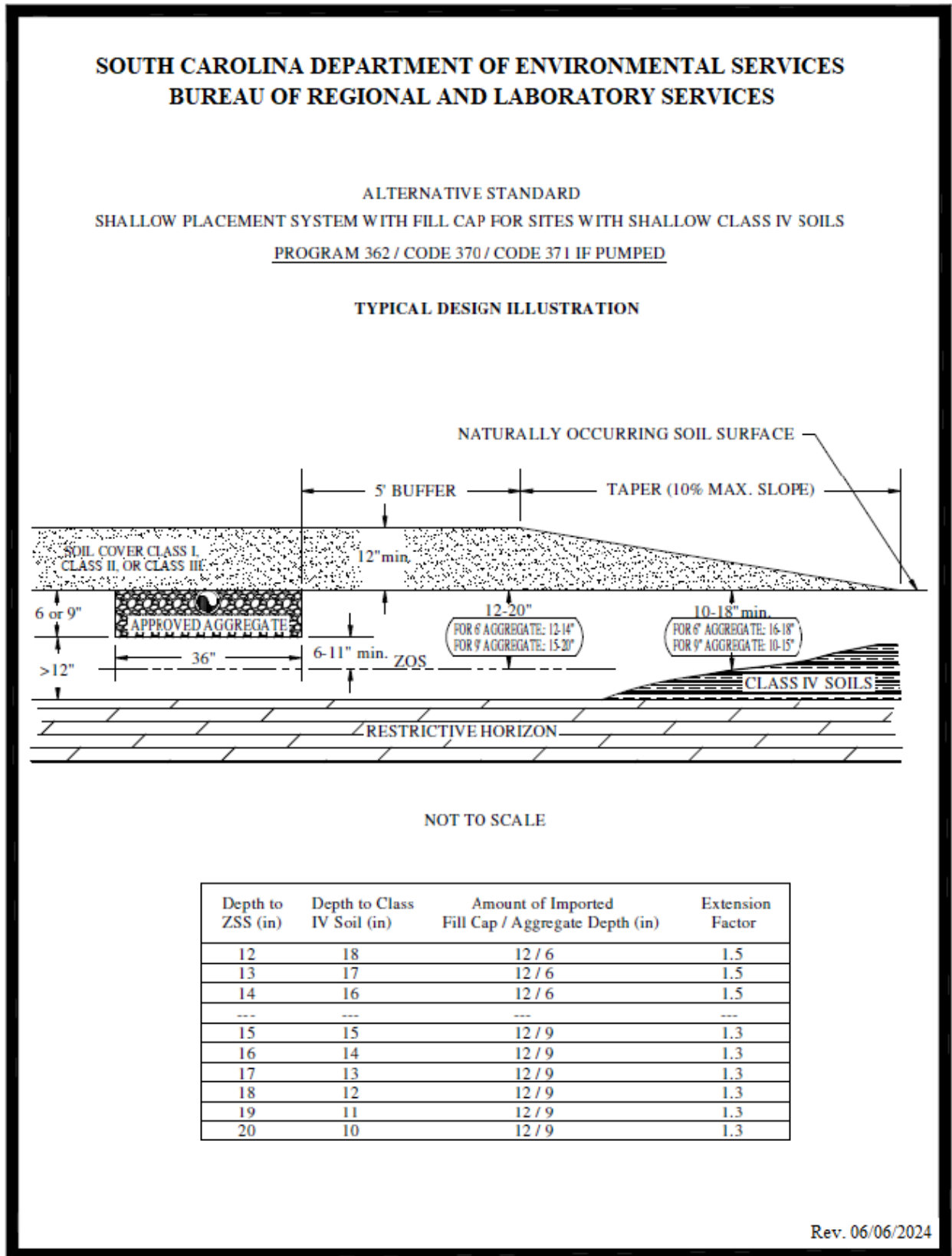
Where, 5.33 sqft/ft = total infiltrative surface area per linear foot of conventional type trench ( 36in. wide, 14in. deep)

SwD = Side Wall Depth (in)

TW = Trench Width (ft.)

Rev. 06/06/2024

Regulation 61-56.400. Appendix L, Figure insert of “Typical Design Illustration,” shall be replaced with:





## 112 FINAL REGULATIONS

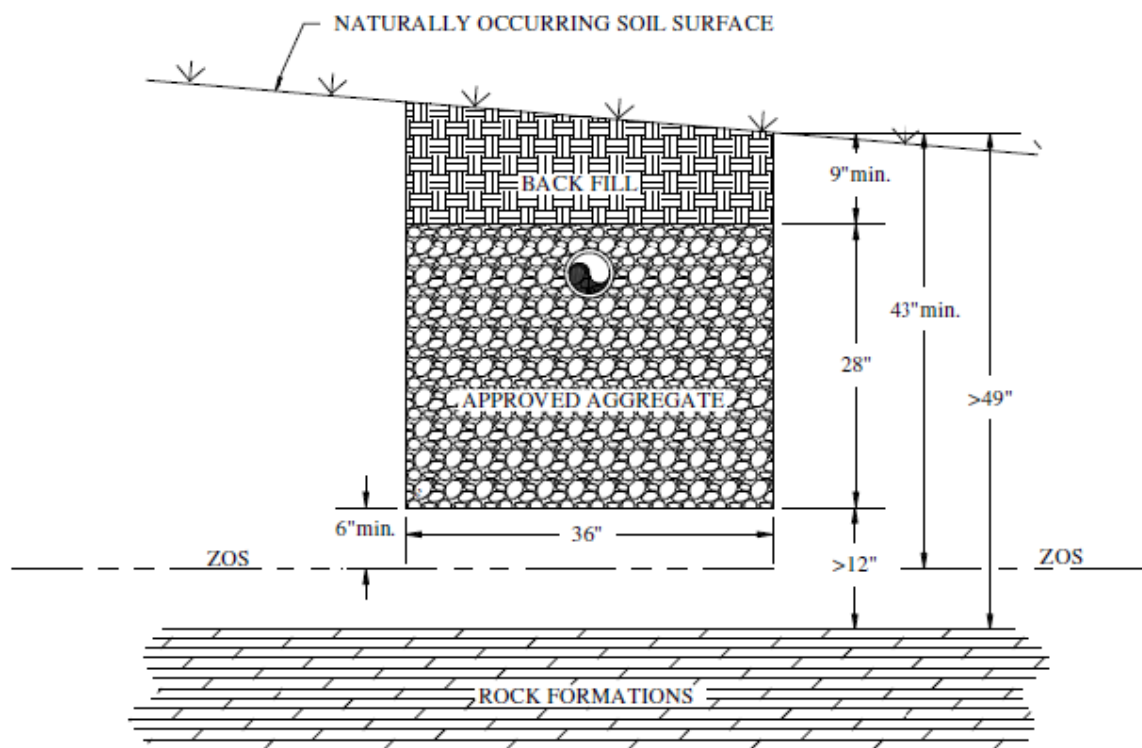
Regulation 61-56.400. Appendix M, Figure insert of “Typical Design Illustration,” shall be replaced with:

### **SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF REGIONAL AND LABORATORY SERVICES**

#### **ALTERNATIVE STANDARD DOUBLE AGGREGATE DEPTH SOIL ABSORPTION TRENCHES**

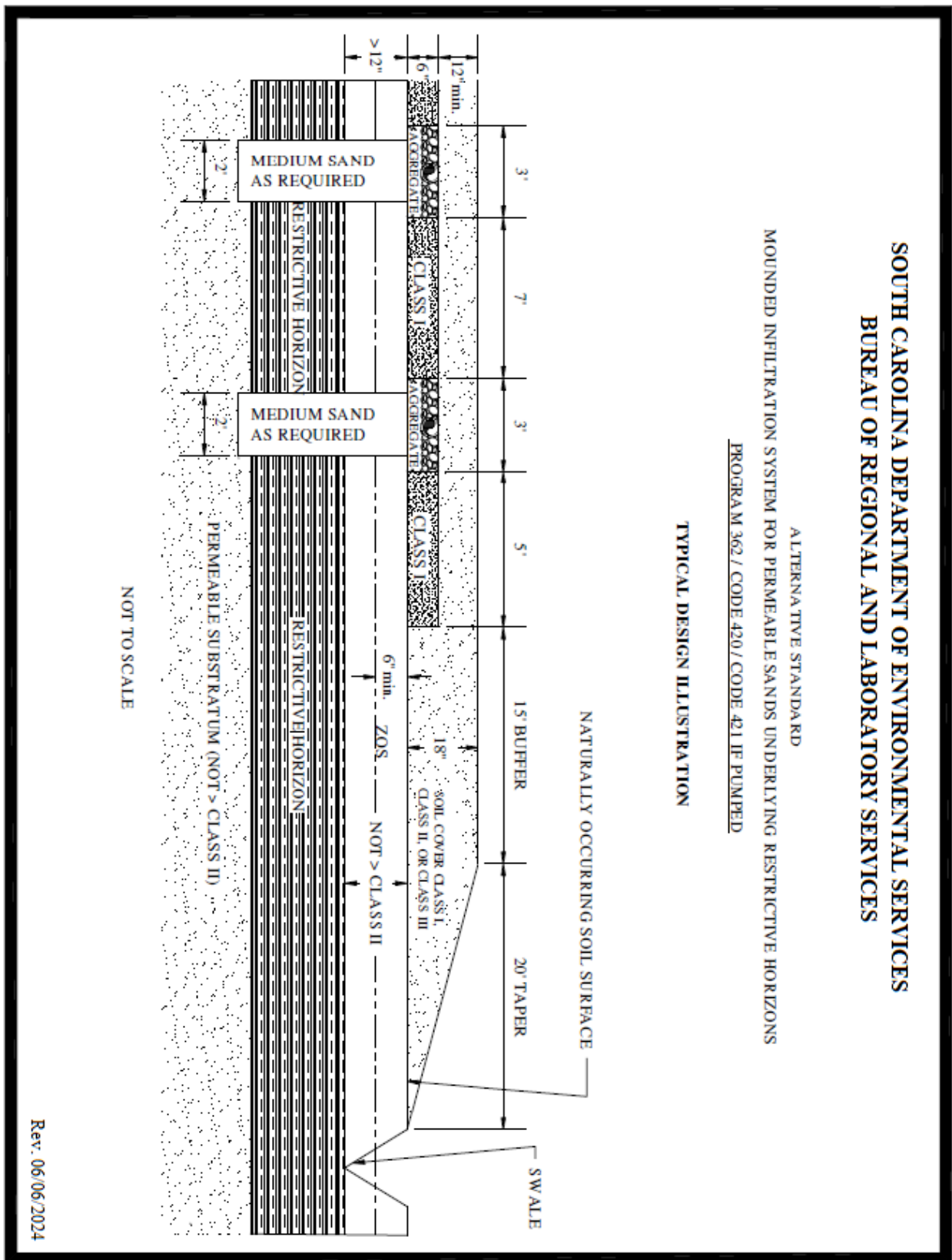
PROGRAM 360 / CODE 380 / CODE 381 IF PUMPED

#### **TYPICAL DESIGN ILLUSTRATION**

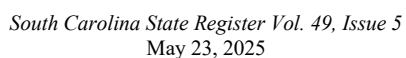


Rev. 06/06/2024

Regulation 61-56.400. Appendix N, Figure insert of “Typical Design Illustration,” shall be replaced with:

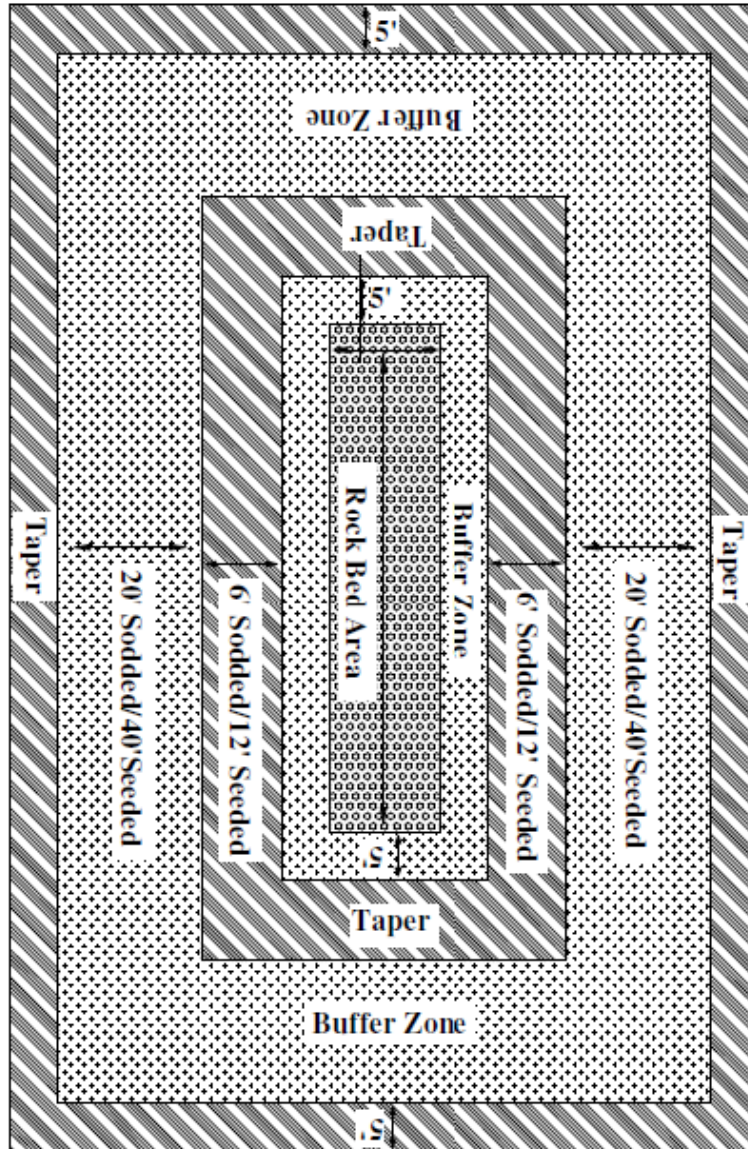


Regulation 61-56.400. Appendix O, Three figure inserts of “Typical Design Illustration (A)” through “Typical Design Illustration (C),” shall be replaced with:



**SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES  
BUREAU OF REGIONAL AND LABORATORY SERVICES**

ALTERNATIVE STANDARD  
MOUND FILL SYSTEMS  
PROGRAM 362 / CODE 431  
TYPICAL DESIGN ILLUSTRATION B



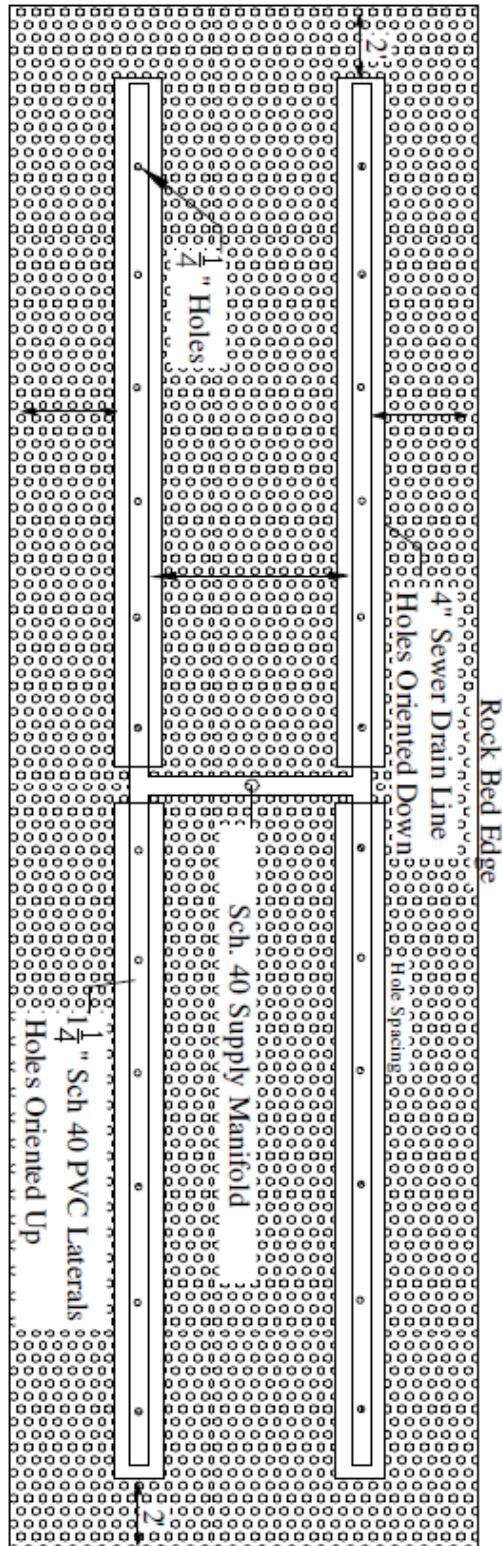
NOT TO SCALE

Rev. 06/06/2024



**SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES  
BUREAU OF REGIONAL AND LABORATORY SERVICES**

ALTERNATIVE STANDARD  
MOUND FILL SYSTEMS  
PROGRAM 302.7(C) CODE 431  
TYPICAL DESIGN ILLUSTRATION C

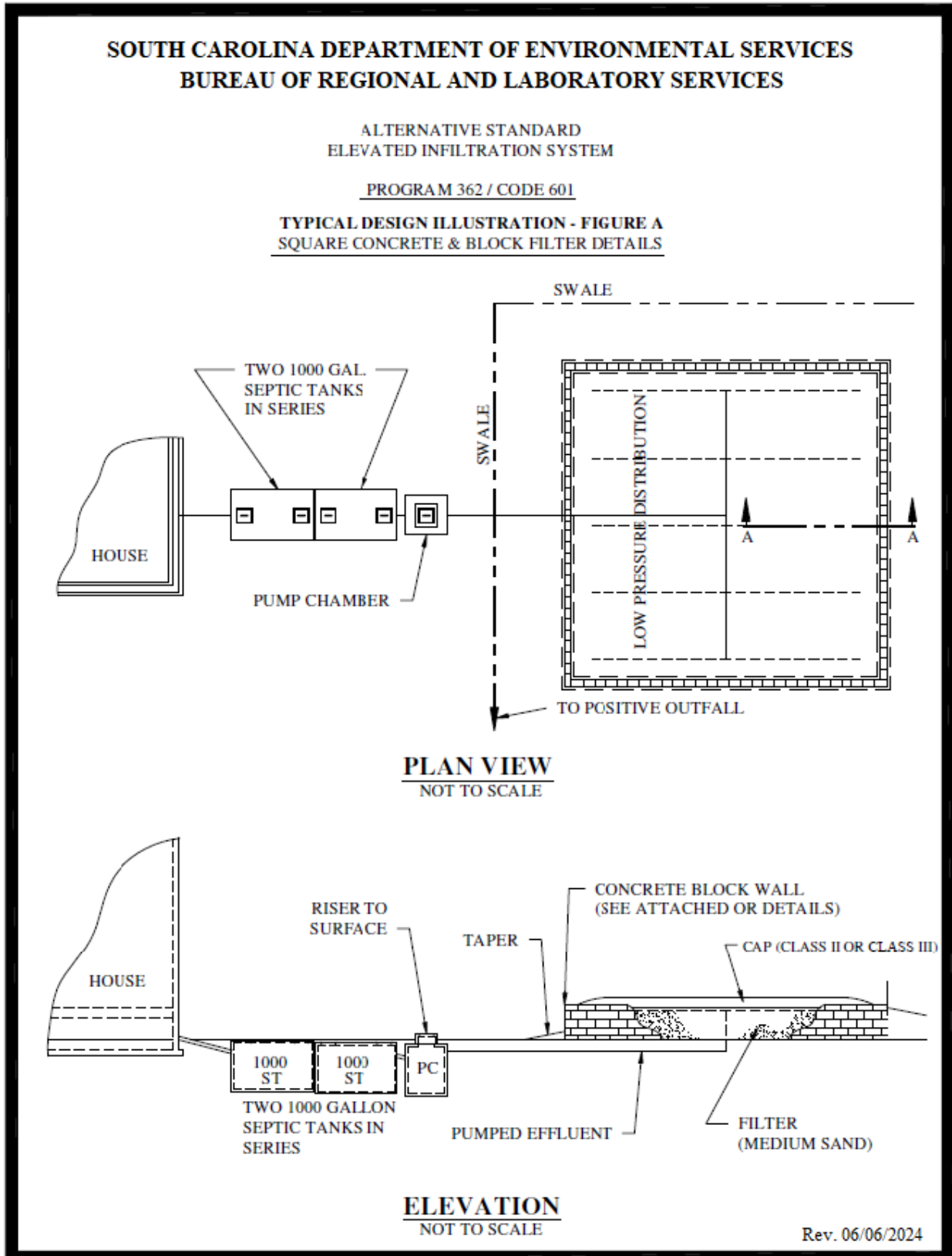


\*Note: Cleanouts are required at the end of each lateral to extend to finishing grade with screw-on cleanout caps.

NOT TO SCALE

Rev. 06/06/2024

Regulation 61-56.400. Appendix P, Five figure inserts of “Typical Design Illustration (A)” through “Typical Design Illustration (C),” shall be replaced with:



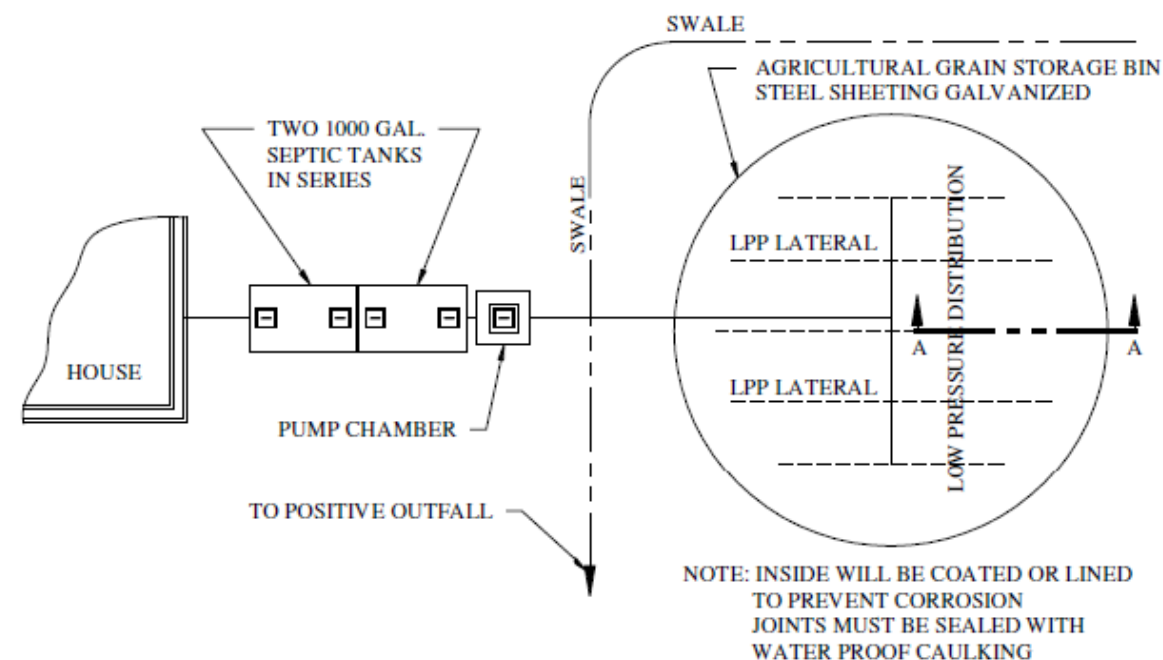
**SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES  
BUREAU OF REGIONAL AND LABORATORY SERVICES**

ALTERNATIVE STANDARD  
ELEVATED INFILTRATION SYSTEM

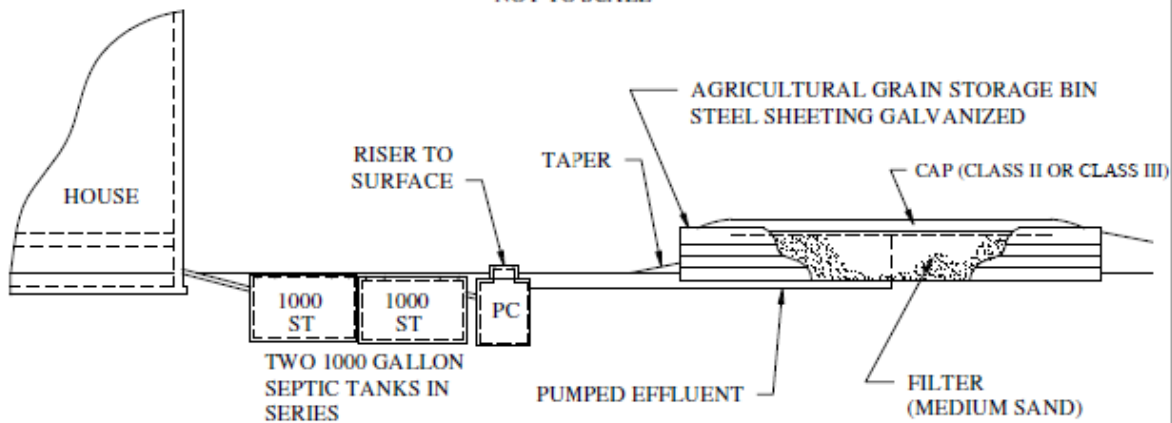
PROGRAM 362 / CODE 601

**TYPICAL DESIGN ILLUSTRATION - FIGURE A**

CIRCULAR STEEL FILTER DETAILS



**PLAN VIEW**  
NOT TO SCALE



**ELEVATION**  
NOT TO SCALE

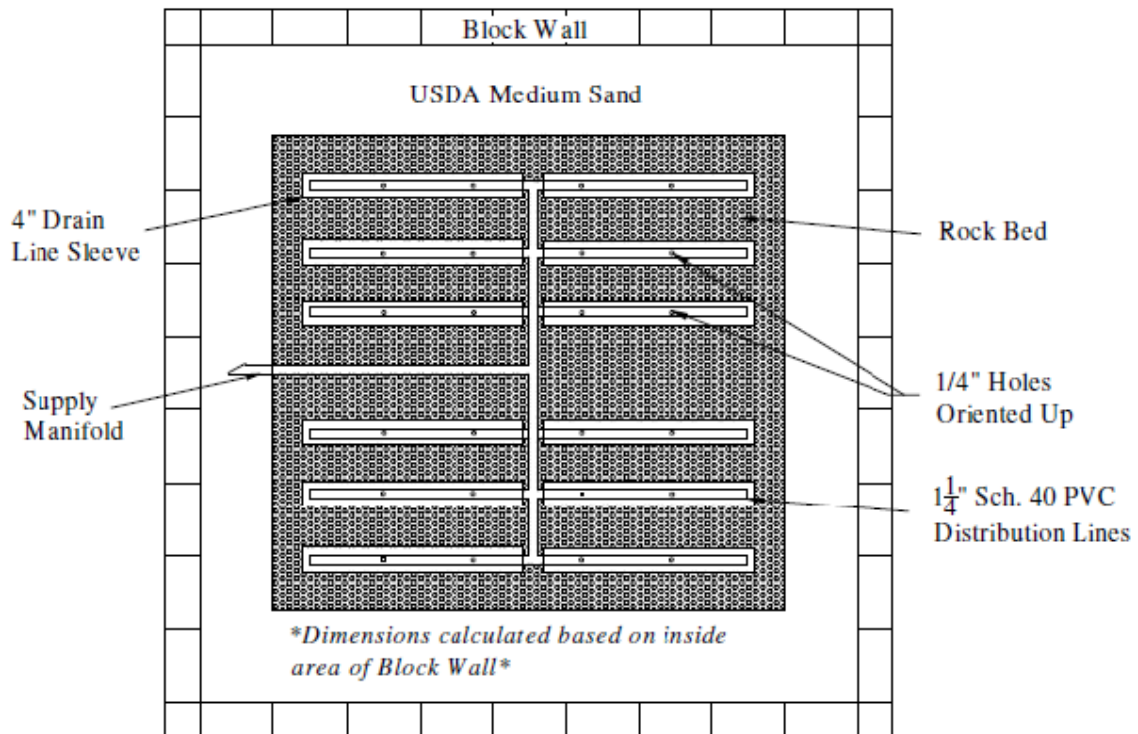
Rev. 06/06/2024

**SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES  
BUREAU OF REGIONAL AND LABORATORY SERVICES**

**ALTERNATIVE STANDARD  
ELEVATED INFILTRATION SYSTEM**

PROGRAM 362 / CODE 601

**TYPICAL DESIGN ILLUSTRATION - FIGURE B  
SQUARE CONCRETE & BLOCK FILTER DETAILS**



EACH LATERAL TO BE INSTALLED IN A ROCK BED

ALL LATERAL PRESSURE LINES ARE REQUIRED TO HAVE ELBOWS AT THE ENDS OF EACH LINE AND EXTEND TO FINISHING GRADE WITH SCREW-ON CLEANOUT CAPS

ALL HOLES ARE TO BE EQUALLY SPACED FROM ENDS OF EACH LINE AND BETWEEN EACH HOLE

**ELEVATION**  
NOT TO SCALE

Rev. 06/06/2024

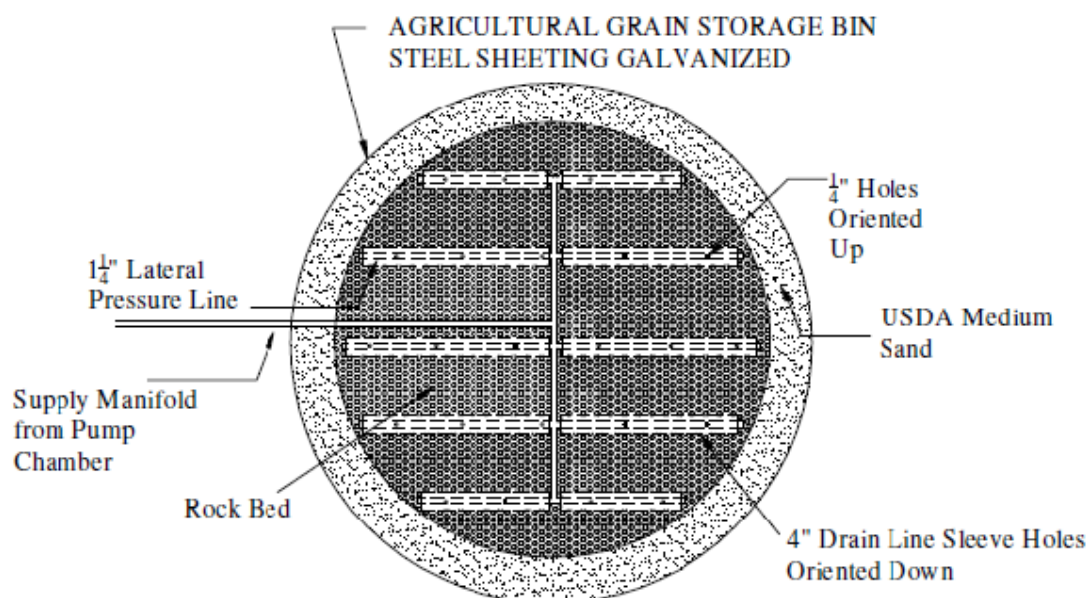


**SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES  
BUREAU OF REGIONAL AND LABORATORY SERVICES**

ALTERNATIVE STANDARD  
ELEVATED INFILTRATION SYSTEM

PROGRAM 362 / CODE 601

**TYPICAL DESIGN ILLUSTRATION - FIGURE B**  
**CIRCULAR STEEL FILTER DETAILS**



EACH LATERAL TO BE INSTALLED IN A ROCK BED

ALL LATERAL PRESSURE LINES ARE REQUIRED TO HAVE ELBOWS AT THE ENDS OF EACH LINE AND EXTEND TO FINISHING GRADE WITH SCREW-ON CLEANOUT CAPS

ALL HOLES ARE TO BE EQUALLY SPACED FROM ENDS OF EACH LINE AND BETWEEN EACH HOLE

**ELEVATION**  
NOT TO SCALE

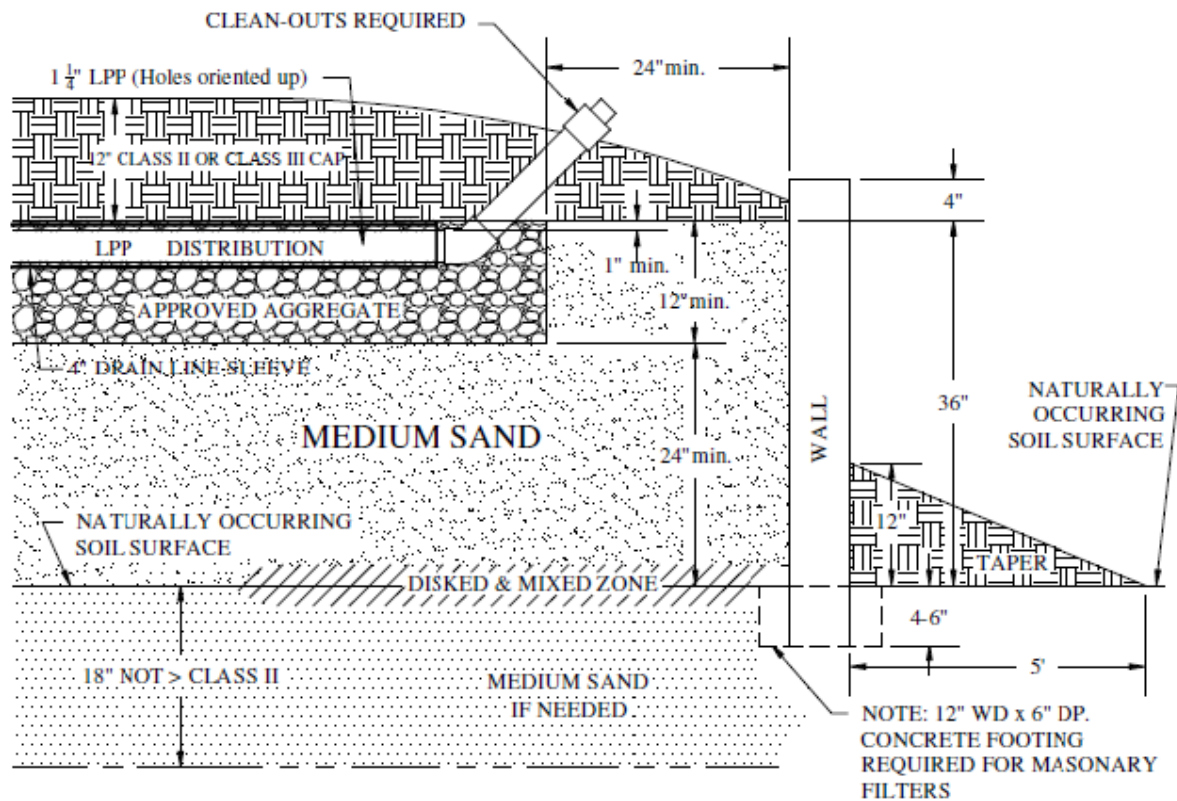
Rev. 06/06/2024

**SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES  
BUREAU OF REGIONAL AND LABORATORY SERVICES**

**ALTERNATIVE STANDARD  
ELEVATED INFILTRATION SYSTEM**

PROGRAM 362 / CODE 601

**TYPICAL DESIGN ILLUSTRATION -FIGURE C**



NOT TO SCALE

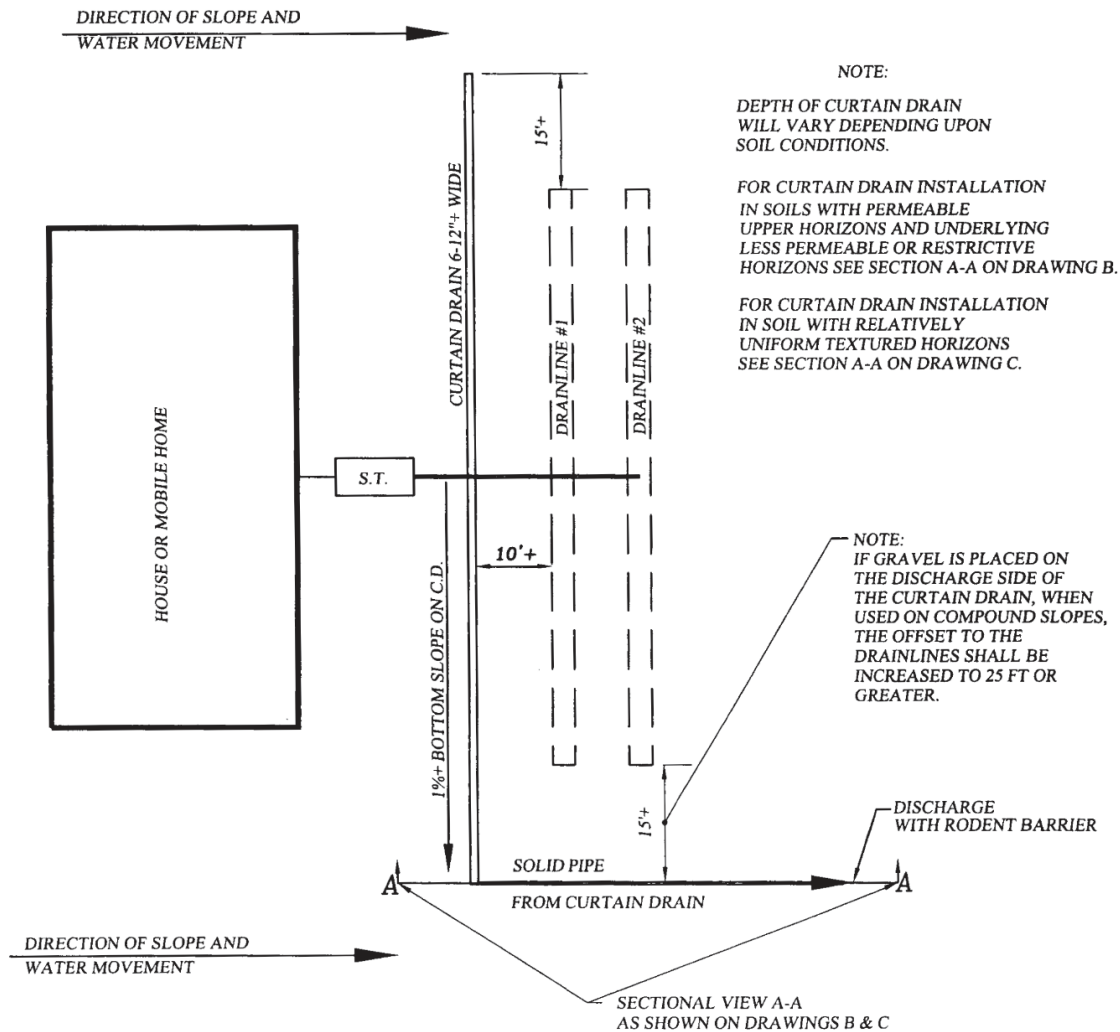
Rev. 06/06/2024

## 122 FINAL REGULATIONS

Regulation 61-56.400. Appendix R, Three figure inserts of “Typical Design Sketch (A) through Typical Design Sketch (C),” shall be replaced with:

### SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF REGIONAL AND LABORATORY SERVICES

#### CURTAIN DRAIN STANDARD TYPICAL DESIGN SKETCH



DRAWING A

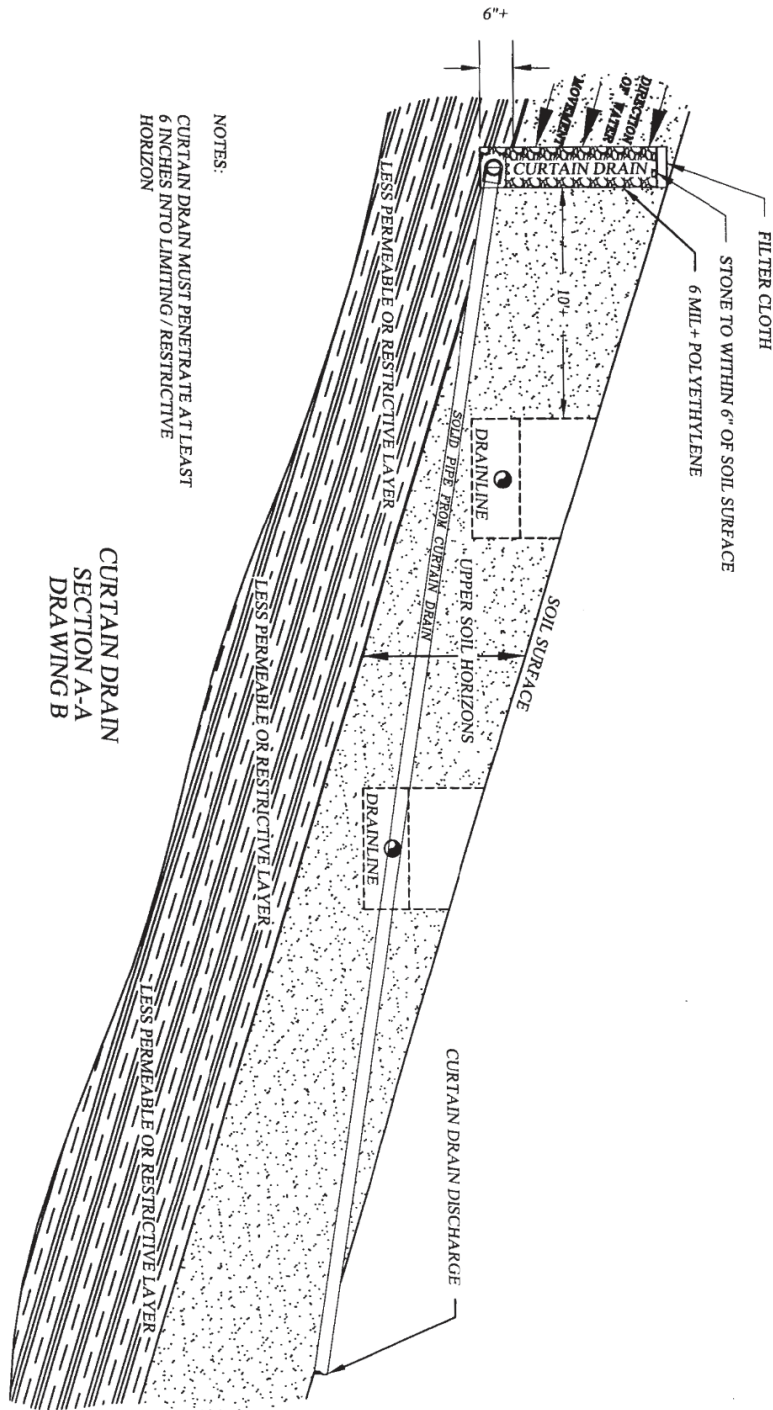
Rev. 06/06/2024

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES  
BUREAU OF REGIONAL AND LABORATORY SERVICES

CURTAIN DRAIN STANDARDS

CURTAIN DRAIN INSTALLATION IN SOILS WITH RESTRICTIVE OR LESS PERMEABLE HORIZONS BELOW THE DRAINFIELD

TYPICAL DESIGN SKETCH



NOTES:

CURTAIN DRAIN MUST PENETRATE AT LEAST  
6 INCHES INTO LIMITING / RESTRICTIVE  
HORIZON

CURTAIN DRAIN  
SECTION A-A  
DRAWING B

DRAWING NOT TO SCALE

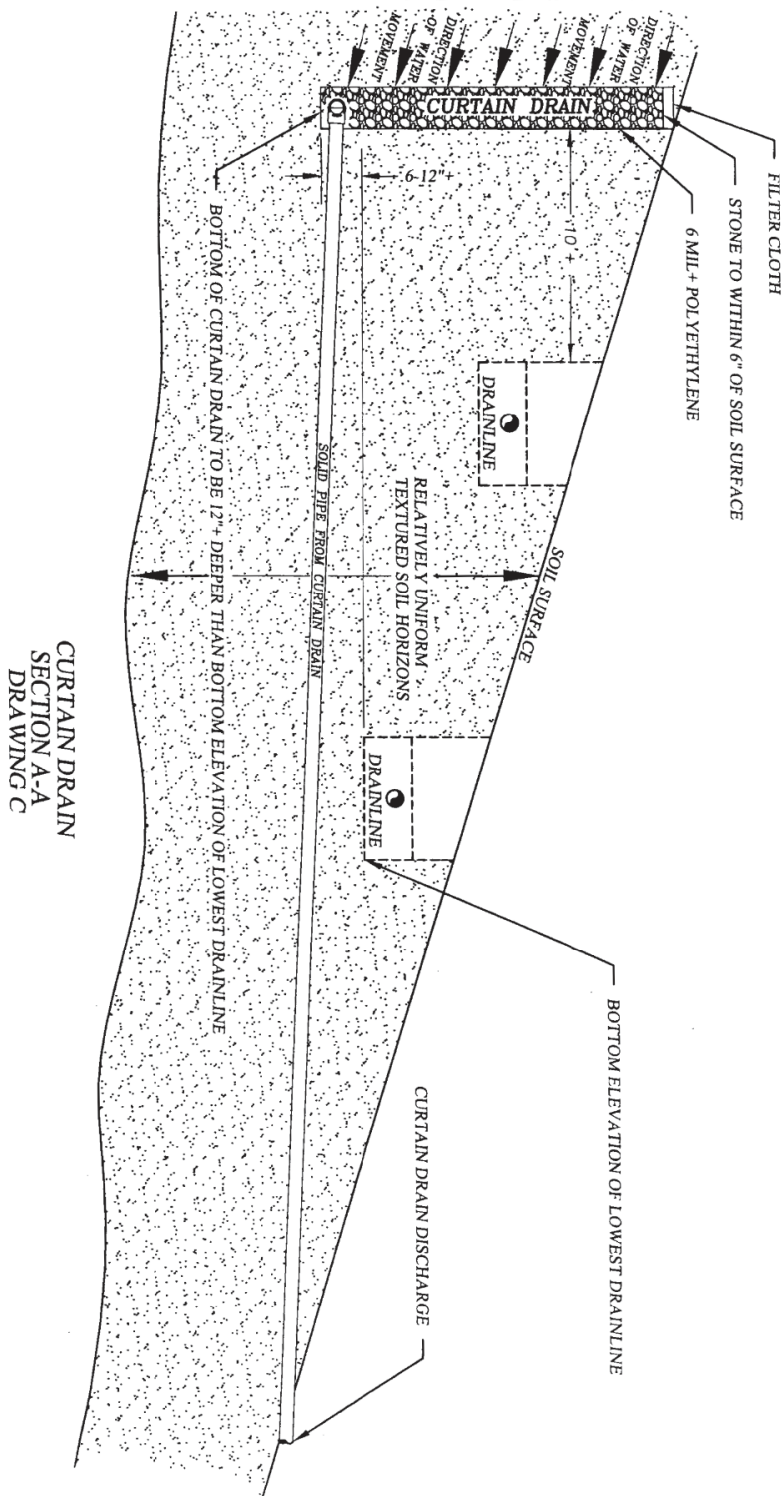
Rev. 06/06/2024

**SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES  
BUREAU OF REGIONAL AND LABORATORY SERVICES**

**CURTAIN DRAIN STANDARDS**

**CURTAIN DRAIN INSTALLATION IN SOILS WITH RELATIVELY UNIFORM HORIZONS**

**TYPICAL DESIGN SKETCH**



DRAWING NOT TO SCALE

Rev. 06/06/2024

**Regulation 61-56.800. Enforcement.**

Regulation 61-56.800.1, shall be revised as follows:

800.1. Violations of this regulation shall be punishable in accordance with S.C. Code Sections 48-6-70, 44-55-825, 48-1-320, and 48-1-330. The Department may seek enforcement, suspend and revoke permits and licenses, issue civil penalties, and order corrective action in accordance with law. The Department shall have the authority to suspend civil penalties if the violations of this regulation are corrected in a period of time established by the Department.

Regulation 61-56.800.4(2)(a) through (c), shall be revised as follows:

(a) First offense violations may be enforced under S.C. Code Section 48-6-70 or by suspension of the license for a period not to exceed one (1) year.

(b) Second offense violations shall be enforced under S.C. Code Section 48-6-70 or by suspension of the license for a period not to exceed three (3) years.

(c) Third offense violations shall be enforced under S.C. Code Section 48-6-70 or by permanent revocation of the license.

**Regulation 61-81, State Environmental Laboratory Certification Program.**

Statutory Authority: 1976 Code Sections 44-55-10 et seq, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-81.D. Definitions.**

Regulation 61-81.D.(2), shall be revised as follows:

(2) [Reserved]

Regulation 61-81.D.(7), shall be revised as follows:

(7) "Department" means the South Carolina Department of Environmental Services.

**Regulation 61-81.K. Appeals.**

Regulation 61-81.K., shall be revised as follows:

In the event a Laboratory Director disagrees with a decision affecting certification, an appeal can be made, in accordance with S.C. Code of Laws Section 48-6-30.

**Regulation 61-81.L. Reciprocity.**

Regulation 61-81.L. unnumbered second paragraph, shall be revised as follows:

Laboratories in states without an equivalent program may be evaluated under this Regulation upon payment of a fee, set by the Department, and expenses incurred by the Department evaluator(s).

**Fiscal Impact Statement:**



## 126 FINAL REGULATIONS

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. These amendments comply with 2023 Act No. 60 to restructure the agencies. These amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

### Statement of Rationale:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES is amending these regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Document No. 5326

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 19

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 49-1-10, and 2023 Act No. 60, effective July 1, 2024

19-450. Permits for Construction in Navigable Waters.

### Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES is amending R.19-450. Permits for Construction in Navigable Waters, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

### Instructions:

Amend the regulations as shown below. All other items remain unchanged.

### Text:

#### 19-450. PERMITS FOR CONSTRUCTION IN NAVIGABLE WATERS.

Statutory Authority: 1976 Code Section 48-6-10 et seq., 49-1-10, and 2023 Act No. 60, effective July 1, 2024.

##### 19-450.1. Scope of Duties.

**Regulation 19-450.1(A) shall be revised as follows:**

A. Scope. Unless expressly exempted, a permit issued by the Department of Environmental Services is required for any dredging, filling or construction or alteration activity in, on, or over a navigable water, or in, or on the bed under navigable waters, or in, or on lands or waters subject to a public navigational servitude under Article 14 Section 4 of the South Carolina Constitution and 49-1-10 of the 1976 S.C. Code of Laws including submerged lands under the navigable waters of the state, or for any activity significantly affecting the flow of any navigable water.

**Regulation 19-450.1(B) shall be revised as follows:**

B. General Duties of the Department of Environmental Services. For purposes of administering these procedures, the Department of Environmental Services shall serve as the permitting agency, responsible for obtaining and evaluating the views of all relevant agencies and persons, and taking such administrative actions as are appropriate to advise agencies, applicants and others concerning the procedures. The Department shall determine whether the permit should be granted or denied or made subject to any particular condition not provided in these regulations.

**19-450.2 Definitions.**

**Regulation 19-450.2 shall be revised as follows:**

A. Department means the South Carolina Department of Environmental Services.

B. Navigable waters means those waters which are now navigable, or have been navigable at any time, or are capable of being rendered navigable by the removal of accidental obstructions, by rafts of lumber or timber or by small pleasure or sport fishing boats. Navigability shall be determined by the Department.

C. Lands and waters subject to a public navigational servitude means those lands below the mean high water line in tidally influenced areas, or below the ordinary high water mark of any nontidal navigable waterway of the state.

D. Mean high water line means that line which intersects with the shore representing the average height of high waters over an 18.5 year tidal cycle. Benchmarks purporting to have established mean high or low water values must be verified by the Department as meeting State and National Ocean Survey Standards.

E. Ordinary high water mark means the natural or clear line impressed on the shore or bank in nontidal waters representing the ordinary height of water therein. It may be determined by bank shelving, changes in the character of the soil, destruction or absence of terrestrial vegetation, the presence of litter or debris, or a combination of the above or other appropriate criteria that consider the characteristics of the surrounding area.

F. Feasible (feasibility) is determined by the Department and is based upon the best available information, including but not limited to technical input from the agencies, and consideration of economic, environmental, social and legal factors bearing on the suitability of the proposed activity and its alternatives. It includes the concepts of reasonableness and likelihood of success of achieving the purpose. "Feasible alternatives" applies to both locations or sites and to methods of design or construction and includes a "no action" alternative.

G. Person means any individual, organization, association, partnership, business trust, estate trust, corporation, public or municipal corporation, county, local government unit, public or private authority and shall include the federal government and its agencies and political subdivisions, the State of South Carolina, its political subdivision, and all its departments, boards, bureaus or other agencies.

**19-450.5. Application Procedure to Obtain Permit.**

**Regulation 19-450.5(B)(6) shall be revised as follows:**



## 128 FINAL REGULATIONS

6. certification that the applicant has or will publish a notice describing the application in a newspaper of general or local circulation in the county where the encroachment is sought one time. Proof of the publication shall be furnished promptly, and the notice by the applicant shall be in the substantially the following form:

### PUBLIC NOTICE

(*Applicant*) has applied to the South Carolina Department of Environmental Services for a Construction in Navigable Waters Permit to (*brief description of work*) for (*public/private*) use in (*name and location of waterbody*). Comments will be received by South Carolina Department of Environmental Services at 2600 Bull St., Columbia, SC, 29201, ATTN: Division of Water Quality and Shellfish Sanitation, until (*insert date – 15 days from date of this notice*).

#### **Regulation 19-450.5(D)(2) shall be revised as follows:**

2. The federal permitting agency shall publish and provide to interested agencies, groups and persons a joint public notice or public notice letter containing the permit application and clearly stating the requirement of a State permit and if required, certification that the permitted activity does not contravene the Coastal Zone Management Plan. Note: The federal permitting agency may require a certificate of water quality or waiver thereof from the Department of Environmental Services.

#### **Regulation 19-450.5(E) shall be revised as follows:**

E. Upon receipt of the joint public notice the Department shall notify the applicant that a state permit may or may not be required, and if, on the face of the joint public notice or application therein, it appears to the Department that insufficient or inaccurate information is presented, the Department shall notify the applicant and request such additional or corrected information as may be necessary, and that in addition to the joint public notice or public notice letter provided by government agencies, the applicant must publish a notice describing the application in a newspaper of general or local circulation in the county where the encroachment is sought one time. Proof of the publication shall be furnished promptly, and the notice by the applicant shall be in the substantially the following form:

### PUBLIC NOTICE

(*Applicant*) has applied to the South Carolina Department of Environmental Services for a Construction in Navigable Waters Permit to (*brief description of work*) for (*public/private*) use in (*name and location of waterbody*). Comments will be received by South Carolina Department of Environmental Services at 2600 Bull St., Columbia, SC, 29201, ATTN: Division of Water Quality until (*insert date - 15 days from date of this notice*).

#### **19-450.7. Procedure if Agency Objects to Activity Requiring State Permit.**

#### **Regulation 19-450.7(C)(1) through (2) shall be revised as follows:**

1. In those applications involving activity within the Coastal Zone where the Office of Ocean and Coastal Resource Management has determined, after efforts to conciliate the objection have failed, that the projected activity contravenes the Coastal Management Plan, a Notice of Decision to deny the project will be issued in accordance with S.C. Code of Laws Section 48-6-30. This Notice of Decision will allow thirty (30) days for appeal of the decision.

2. In those applications where the Department has determined that the projected activity violates Water Classifications and Standards or endangers the public health, and all efforts to resolve the objection have failed, a Notice of Decision to deny the project will be issued in accordance with S.C. Code of Laws Section 48-6-30. This Notice of Decision will allow thirty (30) days for appeal of the decision.

**19-450.9. Review of Comments and Action by the Department.****Regulation 19-450.9(C) shall be revised as follows:****C. Notice of Decision**

1. Promptly after the receipt of all written agency comments and objections to the proposed activity including an offer of replacement or compensation under 450.9(B), if any, the Department shall review all comments and supporting information and, the materials submitted by the applicant, and, in light of the standards listed above make its decision in the form of a Notice of Decision.

2. The decision shall be supported by findings on the relevant issues, including those raised by the comments and objections, if any. The findings shall be supported by materials in the record.

3. Whenever the decision is inconsistent with the written objection of the agency or other person to the application, the Department shall state the facts found by the Department and the reasons supporting its conclusions. For purposes of this section, the same or similar objections may be treated as one subject. If an objection by an agency or other person, or a response thereto by the applicant is without adequate support, Department shall so state, and may refuse to consider the objection or response and render decision accordingly.

4. The Department may conclude that the permit be granted, or denied, or conditionally granted or denied unless the applicant does or does not do certain activities in connection with the permitted activities.

5. The Notice of Decision shall advise of availability of related file information and shall be mailed to the following:

- (a) the applicant;
- (b) the authorized agent, if any;
- (c) agencies having jurisdiction or interest over the activity site;
- (d) owners or residents of property adjoining the area of the proposed activity; and
- (e) those persons providing comment in response to the initial notice of application.

**19-450.10. Appeal of the Notice of Proposed Decision.****Regulation 19-450.10 section heading shall be revised as follows:**

19-450.10. Appeal of the Notice of Decision.

**Regulation 19-450.10(A) shall be revised as follows:**

A. Persons Who May Appeal. Any person with legal standing to contest the decision of the Notice of Decision to grant or deny a permit under this regulation may appeal that decision in accordance with S.C. Code of Laws Section 48-6-30. One objecting only to the highland use of the property, or on grounds other than the impact the proposed activity will have on navigable waters or the economy or natural resources of the state, or who has not submitted written comments on the project including any proposal for replacement/compensation shall not be deemed to have legal standing to contest the decision.

**Regulation 19-450.10(B) shall be revised as follows:**

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B. Time for Appeal; Contents; Notification of Appeal to Others. A person with legal standing to contest a decision must do so within thirty (30) days in accordance with S.C. Code of Laws Section 48-6-30. Such request must set forth the manner in which the person is adversely affected and the grounds for the request.

### 19-450.11. Final Decision of the Board and Judicial Review.

**Regulation 19-450.11 shall be revised as follows:**

19-450.11. Final Decision of the Department and Judicial Review.

Department review and any subsequent judicial review of the order of the Administrative Law Judge shall be allowed according to law and applicable procedures, rules and regulations.

### **Fiscal Impact Statement:**

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. These amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

### **Statement of Rationale:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES is amending these regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Document No. 5321

### **STATE COMMISSION ON HIGHER EDUCATION CHAPTER 62**

Statutory Authority: 1976 Code Sections 59-149-10 et seq.

62-1200.1 - 62-1200.75. Legislative Incentives for Future Excellence (LIFE) Scholarship Program and Legislative Incentives for Future Excellence (LIFE) Scholarship Enhancement.

### **Synopsis:**

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-1200.1 through 62-1200.75, LIFE Scholarship Program. Revisions to the existing regulation for the LIFE Scholarship & LIFE Scholarship Enhancement Program are being considered to clarify the policies and procedures for administering the program. In the proposed amendments, regulation is being updated to reflect the passage of Act 156 of 2024, allowing for the awarding of LIFE Scholarship Enhancements to students in approved STEM and Education Degree programs. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on May 24, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

## Table of Contents:

- 62-1200.1. Purpose of the LIFE Scholarship Program.
- 62-1200.5. Program Definitions.
- 62-1200.10. Student Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.15. Continued Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.20. Terms of Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.25. Regaining or Earning Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.30. Transfer Students: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.35. Students with Disabilities: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.40. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs, and National and International Student Exchange Programs: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.45. Military Mobilization: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.50. Refunds and Repayments: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.55. Appeals Procedures: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.60. Institutional Policies and Procedures for Awarding: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.65. Institutional Disbursements: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.70. Program Administration and Audits: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.75. Suspension and Termination of Institutional Participation: LIFE Scholarship and LIFE Scholarship Enhancement.

## 62-1200.1. Purpose of the LIFE Scholarship Program.

Pursuant to Act 418, which was initially established in 1998 as Title 59 of the 1976 code and amended by Act 162 during the 2005 legislative session, the Commission on Higher Education shall promulgate regulation and establish procedures for administration of the LIFE Scholarship Program. The General Assembly established the LIFE Scholarship Program in order to increase the access to higher education, improve the employability of South Carolina's students so as to attract business to the State, provide incentives for students to be better prepared for college, and to encourage students to graduate from college on time.

With Act 115, which was established in 2007 as Title 59 of the 1976 code during the 2007 legislative session, the General Assembly established the LIFE Scholarship Enhancement in order to increase the number of students in the State majoring in mathematics and science and to increase the access to higher education, improve the employability of South Carolina's students so as to attract business to the State, provide incentives for students to be better prepared for college, and to encourage students to graduate from college on time. Students enrolled at two-year institutions are not eligible to receive a LIFE Scholarship Enhancement. In order to receive a LIFE Scholarship Enhancement, all students must qualify for the LIFE Scholarship as stipulated herein. With Act 156, passed in 2024, the Enhancements were expanded to include students majoring in education programs leading to certification and accounting.

Independent and public institutions of higher learning in this, or any other state in the U.S., outside the U.S. or abroad, are prohibited from using the Legislative Incentive for Future Excellence or "LIFE" Scholarship in programs that promote financial aid incentives or packages. Any mention of the Legislative Incentive for Future

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Excellence or “LIFE” Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Legislative Incentive for Future Excellence or “LIFE” Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

All eligible independent and public institutions that participate in the program must verify the lawful presence of any student who receives a LIFE Scholarship and LIFE Scholarship Enhancement prior to awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien’s immigration status with the federal government pursuant to 8 USC Section 1373(c).

### 62-1200.5. Program Definitions.

A. “Academic year” is defined as the twelve month period during which a full-time student is expected to earn thirty credit hours. The period of time used to measure the academic year will consist of the fall, spring and summer terms (or its equivalent).

B. A student who has earned a GED diploma or SC High School Diploma through Adult Education without a cumulative GPA may be eligible to earn the LIFE Scholarship at the end of the first academic year of a non-GED program. The student must meet the annual credit hour requirement (or equivalent) and a 3.0 “LIFE GPA” at the end of the first academic year. To qualify for subsequent years, the student must meet all eligibility requirements as stated in Section 62-1200.15., Continued Eligibility section of the LIFE Scholarship and LIFE Scholarship Enhancement.

C. An “approved five-year bachelor’s degree program” shall mean a five-year bachelor’s program as defined and approved by the Commission on Higher Education to receive the LIFE Scholarship for a maximum of ten terms at the same eligible institution to complete the requirements for a bachelor’s degree. An approved five-year bachelor’s degree program does not include inter-institutional and cooperative “3+2” programs (normally in a science degree field and an engineering program).

D. “Annual credit hour requirement” shall be defined as an average of thirty (30) credit hours earned at the end of the academic year based on initial college enrollment at all eligible institutions attended, excluding hours for remedial, continuing education, and non-degree coursework. Credit hours earned before high school graduation, including Advanced Placement (AP) credit hours, International Baccalaureate (IB) credit hours, exempted credit hours as well as credit hours earned on active duty, must be placed on the student’s official college transcript by the institution at which they are earned, and must be counted toward the annual credit hour requirement. Eligible LIFE Scholarship recipients may prorate their award amount for the term of graduation (see section 62-1200.10.P.).

E. “Associate’s degree program” is defined as a two-year technical or occupational program, at least a two-year program that is acceptable for full credit towards a bachelor’s degree as defined by the U.S. Department of Education.

F. “Attempted credit hours” shall be defined as courses in which a student earns a grade and is included in the grade point calculation for that institution. Eligible credit hours that do not transfer must also be included. Credit hours earned through dual-enrollment prior to high school graduation must be included in the LIFE GPA. Exempted credit hours, Advanced Placement (AP), International Baccalaureate (IB), College Level Examination Program (CLEP), remedial/developmental courses, non-degree credit courses for an associate’s degree or higher, Pass/Fail, Satisfactory/Unsatisfactory and non-penalty withdrawal credit hours are excluded from the “attempted credit hours.” If a student transfers, refer to the institution’s grading policy where the credit hours were earned. Any credit hours attempted or earned before high school graduation, hours exempted by examination, Advanced Placement (AP) or International Baccalaureate (IB) credit hours do not count against the terms of eligibility.

G. “Bachelor’s degree program” is defined as an undergraduate program of study leading to a bachelor’s degree as defined by the U.S. Department of Education.

H. “Book allowance” shall mean funds that may be applied to the student’s account for expenses towards the cost-of-attendance including the cost of textbooks.

I. “CIP Code (Classification of Instructional Program)” The U.S. Department of Education’s standard for federal surveys and state reporting for institutional data (majors, minors, options and courses). For the purpose of receiving the LIFE Scholarship Enhancement, CIP codes have been approved or identified by the Commission on Higher Education for eligible degree programs in the fields of education, mathematics and science.

J. “Cost-of-attendance” as defined by Title IV Regulations and may include tuition, fees, living expenses, and other expenses such as costs related to disability or dependent care.

K. “Cost-of-tuition” shall mean the amount charged for enrolling in credit hours of instruction and mandatory fees assessed to all students. Other fees, charges, or cost of textbooks cannot be included.

L. “Declared major” shall be defined, for the purposes of the LIFE Scholarship Enhancement, as a degree program in which a student is enrolled as a full-time, degree-seeking student. The student must meet all requirements as stipulated by the policies established by the institution and the academic department to be enrolled as a declared major in an eligible program. Students cannot minor in or take courses related to a specific program without meeting institutional and departmental policies and be considered as a declared major. Students must be enrolled as a declared major in an eligible program that is approved and assigned a CIP code by the Commission. Eligible programs are those listed as such on the Commission’s website.

M. “Degree-seeking student” is defined as any full-time student enrolled in an eligible institution which leads to the first one-year certificate, first two-year program or associate’s degree, or first bachelor’s or program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree. Upon completion of the first one-year certificate, first two-year program or associate’s degree, first approved associate’s degree program that requires a minimum of 68 credit hours, or first bachelor’s or program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, the student cannot use scholarship funds to pursue a program in the same or preceding level. Students are eligible to receive the Scholarship for a maximum of eight terms (or its equivalent) towards an undergraduate degree, as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. Students must be enrolled in an undergraduate degree program in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term. In cases where students are enrolled in a program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, which will be the students’ first academic degree awarded, the students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement, with the exception of students declaring a major in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master’s of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia, and the Doctor of Pharmacy Program at the Medical University of South Carolina. Students who have been awarded a bachelor’s degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students enrolled in a CHE approved five-year bachelor’s degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework. All programs must be approved by CHE for the purposes of receiving the scholarship enhancement.

N. “Eligible institution” shall be defined, solely for the purposes of the annual credit hour requirement and the LIFE GPA calculation, as an accredited public or independent postsecondary, degree-granting institution located in-state or out-of-state. The institution must be accredited by an agency recognized by the U.S.

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Department of Education for participation in federally funded financial aid programs. This list may be found on the US Department of Education's website.

O. "Eligible program of study" is defined as a program of study leading to: 1) at least a one-year educational program that leads to a first certificate or other recognized educational credential (e.g., diploma); 2) the first associate's degree; 3) at least a two-year program that is acceptable for full credit towards a bachelor's degree; 4) the first bachelor's degree; or 5) a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree. Students are eligible to receive the LIFE Scholarship for a maximum of eight terms (or its equivalent) towards an undergraduate degree as long as all eligibility requirements are met and the program is approved by the Commission on Higher Education. Students who have been awarded a bachelor's or graduate degree are not eligible for Scholarship or Enhancement funding. Students enrolled in an approved associate's degree program that requires a minimum of 68 credit hours may be eligible to receive a LIFE Scholarship for a maximum of six consecutive semesters at an eligible two-year institution. Students enrolled in an approved five-year degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework. (see Section 62-1200.20 (C))

P. "Eligible degree program/Qualifying degree program" shall be defined, for the purposes of the LIFE Scholarship Enhancement, as a degree program in education, mathematics or science as approved by the SC Commission on Higher Education. These programs shall include education, science and mathematics disciplines, accounting, computer science or informational technology, engineering, and health care and related disciplines including medicine and dentistry as defined by the Commission on Higher Education. Enrollment in a minor does not meet the requirement of an eligible degree program for a LIFE Scholarship Enhancement. Students must be enrolled as a declared major in an eligible program that is approved and assigned a CIP code by the Commission. Eligible programs must be approved by the South Carolina Commission on Higher Education. Eligible/Qualifying programs are those listed as such on the Commission's website.

Q. "Felonies" shall be defined as crimes classified under State statute (16-1-10) and typically require imprisonment for more than one year.

R. "Fifth year/senior year" shall mean any student who is enrolled in his or her ninth or tenth semester of full-time, undergraduate coursework in an approved five-year program following high school graduation. The student is in his/her fifth year of consecutive, full-time college enrollment based on the student's initial date of college enrollment after graduation from high school.

S. "First year student/Freshman" is defined as any student who is enrolled as a first year student in his or her first or second semester of undergraduate coursework following high school graduation.

T. "Fourth year/senior year" shall mean seventh or eighth semester of full-time, undergraduate coursework following high school graduation. The student is in his/her fourth year of consecutive, full-time college enrollment based on the student's initial date of college enrollment after graduation from high school.

U. "Full-time student" shall mean a student who has matriculated into an eligible program of study and who enrolls full-time, usually fifteen credit hours for fall and spring terms or twelve credit hours for fall, eight credit hours for winter, and twelve credit hours for spring trimester terms. The student must earn an average of thirty credit hours per academic year to receive a LIFE Scholarship. In order for the student to be eligible for Scholarship disbursement, the student must be enrolled full-time at the home institution as stipulated by Title IV Regulations, except that credit hours may not include remedial/developmental, continuing education, and non-degree credit courses for an associate's degree or higher. Eligible LIFE Scholarship recipients may prorate their award amount for the term of graduation (see section 62-1200.10.P.).

V. "General Educational Development (GED) Diploma" is defined as a GED high school diploma that was completed in South Carolina or outside of the state while the student was a dependent of a legal resident of South

Carolina who had custody or paid child support and college expenses of the dependent GED diploma student. A student who earns a GED diploma cannot receive a LIFE Scholarship during his/her initial year (or equivalent) of college enrollment but may earn the scholarship in subsequent years.

W. "High school" is defined as a public, private, charter, virtual, Montessori or Magnet high school located in South Carolina, recognized home school association or program as defined in the State Statute, (Sections 59-65-40, 45, and 47) or a preparatory high school located outside of the state while the student is a dependent of a legal resident of South Carolina who has custody or pays child support and college expenses of the dependent high school student in accordance with State Statute 59-112-10. A "preparatory high school" (out-of-state) is defined as a school recognized by the state in which the school is located to offer curricula through the twelfth grade and prepares students for college entrance.

X. "Home institution" shall mean the institution where the student is currently enrolled as a degree-seeking student and may be eligible for financial aid at the same institution.

Y. "Independent institutions/private institutions" are those institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that an "independent institution of higher learning means any independent eleemosynary junior or senior college in South Carolina which is accredited by the Southern Association of Colleges and Schools; or an independent bachelor's level institution chartered before 1962 whose major campus and headquarters are located within South Carolina; or an independent bachelor's level institution which was incorporated in its original charter in 1962, was granted a license to operate in 1997 by the Commission on Higher Education, has continued to maintain a campus in South Carolina, and is accredited by the Southern Association of Colleges and Schools. Institutions whose sole purpose is religious or theological training or the granting of professional degrees do not meet the definition of 'public or independent institution' for purposes of this chapter."

Z. "Ineligible degree program" shall be defined, for the purposes of the LIFE Scholarship Enhancement, as a degree program that is not included on the Commission's posted list of approved eligible programs and assigned a CIP code.

AA. "Initial college enrollment" shall mean the first time the student enrolls into a postsecondary degree-granting institution after high school graduation, completion of a GED/Adult Education Program or completion of an approved home school program. The terms of eligibility and the annual credit hour requirement are based upon initial college enrollment and continuous enrollment. This means that students must adhere to the 30 credit hour requirement even if they have a break in enrollment. Any break in enrollment (excluding summer) will also count against the terms of eligibility.

BB. "LIFE GPA" shall be defined as the cumulative grade point average calculation that includes credit hours and grades earned at all eligible institutions based on a 4.0 scale. The LIFE grade point average must not include attempted credit hours earned for continuing education courses, non-degree credit courses for an associate's degree or higher and remedial/developmental courses. See Section 62-1200.60 for the steps to calculate the "LIFE GPA."

CC. "LIFE Scholarship recipient" is defined as a student who meets all of the eligibility requirements to receive a LIFE Scholarship and is awarded LIFE Scholarship funds during a given academic year. Students who meet the eligibility requirements for a LIFE Scholarship but do not receive any LIFE Scholarship funds, due to the cost of attendance being met by other sources of financial aid, do not meet the definition of a LIFE Scholarship recipient.

DD. "Military mobilization" is defined as a situation in which the U.S. Department of Defense orders members of the United States Armed Forces to active duty away from their normal duty assignment during a time of war or national emergency.



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EE. “Misdemeanor offenses” shall be defined as crimes classified under State statute (16-1-100) which are typically punishable by fine or imprisonment for less than one year. A complete listing is located in title 16 of State statute. Examples of alcohol and drug misdemeanors in South Carolina include but are not limited to possession of alcohol under the age of 21, possession of marijuana/illegal drugs, open-container, transfer of alcohol to person under 21, false information as to age (fake ID), etc.

FF. “Non-degree credit courses” shall be defined as courses that count towards graduation in a certificate or diploma program only. Non-degree credit courses must not be used in the “LIFE GPA” calculation or towards the annual credit hour requirement for an associate’s degree or higher.

GG. A “one-year educational program” is defined as an undergraduate program of study leading to recognized credentials (e.g., certificates or diplomas), as defined by the U.S. Department of Education for participation in federally funded financial aid programs and which prepares students for gainful employment in recognized occupations.

HH. “Private institutions” are those institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that an “independent institution of higher learning means any independent eleemosynary junior or senior college in South Carolina which is accredited by the Southern Association of Colleges and Schools; or an independent bachelor’s level institution chartered before 1962 whose major campus and headquarters are located within South Carolina; or an independent bachelor’s level institution which was incorporated in its original charter in 1962, was granted a license to operate in 1997 by the Commission on Higher Education, has continued to maintain a campus in South Carolina, and is accredited by the Southern Association of Colleges and Schools. Institutions whose sole purpose is religious or theological training or the granting of professional degrees do not meet the definition of ‘public or independent institution’ for purposes of this chapter.”

II. “Program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree”, which will be the student’s first academic degree awarded. Students are eligible to receive the LIFE Scholarship for a maximum of eight terms (or its equivalent) and the LIFE Scholarship Enhancement for a maximum of six terms (or its equivalent) as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. Students who have been awarded a bachelor’s or graduate degree are not eligible for Scholarship funding. Students must maintain their undergraduate status in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term, with the exception of students declaring a major in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master’s of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina. All programs must be approved by CHE for the purposes of enhancement eligibility.

JJ. “Public institutions” are institutions of higher learning as defined in Chapter 103 of Title 59 of the 1976 Code, which stipulates “public higher education shall mean any state supported postsecondary educational institution and shall include technical and comprehensive educational institutions.”

KK. “Remedial/developmental coursework” shall mean sub-collegiate level preparatory courses in English, mathematics, reading and any courses classified as remedial by the institution where the course is taken.

LL. “Satisfactory academic progress” shall be defined as the academic progress in the declared major as required by the institution and academic department in which the student is enrolled as a full-time, degree-seeking student. The student must meet all requirements for satisfactory academic progress towards completion of the declared major as established by the policies of both the institution and academic department in which the student is enrolled to meet the requirements of satisfactory academic progress.

MM. “Second year/sophomore year” shall mean any student who is enrolled in his or her third or fourth semester of full-time, undergraduate coursework following high school graduation. The student is in his/her second year of consecutive, full-time college enrollment based on the student’s initial date of college enrollment after graduation from high school.

NN. “South Carolina resident” shall be defined as an individual who satisfies the requirements of residency in accordance with the State of South Carolina State Statute for Tuition and Fees, Section 59-112-10 and all related guidelines and regulations promulgated by the Commission on Higher Education as established by the institutional residency officer each academic year. A student must be considered a South Carolina resident at the time of high school graduation, and at the time of initial college enrollment, in order to receive a LIFE Scholarship.

OO. “Third year/junior year” shall mean the fifth or sixth semester of full-time, undergraduate coursework following high school graduation. The student is enrolled in his/her third year of consecutive, full-time enrollment based on the student’s initial date of college enrollment after graduation from high school.

PP. “3 plus 2 programs” is defined, for the purposes of the LIFE Scholarship Enhancement, as a program (typically an engineering major) in which a student completes three years of a baccalaureate program at one institution, at which time the student transfers to a second institution and completes the remaining two years of an undergraduate degree program. When the student completes the fourth year of enrollment, credit hours are transferred back to the initial institution, which confers the first baccalaureate degree (e.g., physics) using articulated credits from the second institution. At the end of the second year of enrollment at the second institution, the student receives the second baccalaureate degree (e.g., engineering). 3 plus 2 programs for the purposes of receiving the LIFE Scholarship Enhancement shall be defined and approved by the SC Commission on Higher Education. Students must be enrolled as a declared major in an eligible program that is approved and assigned a CIP code by the Commission. Enrollment in a minor does not meet the requirement of an eligible degree program for a LIFE Scholarship Enhancement award.

QQ. “Transfer student” shall be defined as a student who has changed enrollment from one institution to a SC public or independent institution.

RR. “Substantially deviates” shall be defined, for the purposes of reviewing out-of-state preparatory high school grading scales, as being less than equivalent to the 2007 Uniform Grading Policy.

SS. “Preparatory high school” (out-of-state) is defined as a school recognized by the state in which the school is located to offer curricula through the twelfth grade and prepares students for college entrance.

TT. “Lawful Presence” is defined as individuals who are US citizens, permanent residents, or non-US citizens and non-permanent residents who are legally present in the US. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien’s immigration status with the federal government pursuant to 8 USC Section 1373(c).

UU. “Continuously enrolled” is defined as enrollment without an interruption that would require the student to pursue a formal process of readmission to that institution. Formal petitions or applications for change of degree level shall be considered readmissions. Students who attend summer terms or are selected for military mobilization are considered continuously enrolled. Students who are enrolled in internships, cooperative work programs, travel study programs, or National or International Exchange Programs that are approved by the home institution are considered continuously enrolled.

VV. An “approved associate’s degree program that requires a minimum of 68 credit hours” shall mean an associate’s degree program as approved by the Commission on Higher Education that requires a minimum of 68 earned credit hours to complete the degree at an eligible two-year institution. A student initially enrolling in an

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approved associate's degree program that requires a minimum of 68 credit hours may receive a maximum of six consecutive terms of LIFE Scholarship funding.

### 62-1200.10. Student Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.

#### A. To be eligible for a LIFE Scholarship, students must:

1. Be a U.S. citizen or a legal permanent resident that meets the definition of an eligible non-citizen under State Residency Statutes at the time of high school graduation, whose lawful presence has been verified at the time of enrollment at the institution; and

2. Be classified by the awarding institution as a South Carolina resident for in-state purposes at the time of high school graduation and at the time of enrollment at the institution, as set forth by Section 59-112-10, and be either a member of a class graduating from a high school located in this State, or a student who has successfully completed at least three of the final four years of high school within this State, or a home school student who has successfully completed a high school home school program in this State in the manner required by law, or a student graduating from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent according to State Statute, Section 59-149-50A or a student whose parent or guardian has served in or has retired from one of the United States Armed Forces within the last four years, paid income taxes in this State for a majority of the years of service, and is a resident of this State. A student must be a legal permanent resident of the United States before being considered to be a South Carolina resident;

3. Meet two of the following three criteria if a first-time entering freshman at an eligible four-year institution:

- (a) Earn a cumulative 3.0 grade point average (GPA) based on the South Carolina Uniform Grading Policy (UGP) upon high school graduation. No other grading policy will be allowed to qualify for the LIFE Scholarship. Final high school GPAs shall be based on the four-year period of high school attendance, with the exception of Carnegie Units earned prior to high school. There may be other exceptions, as deemed necessary by the Commission. Grade point averages must be reported to two decimal places (minimum) and may not be rounded. For example, a student who earns a 2.99 GPA is not eligible. Institutions shall use the final GPA as reported on the official transcript. The final official high school transcript must be dated in accordance with the Commission established date(s). If a South Carolina resident student is graduating from an out of state high school, it is the responsibility of the out of state student's school counselor to convert the student's final high school GPA and class ranking to an eligible final high school GPA based on the South Carolina Uniform Grading Policy. The converted final high school GPA and class ranking (if applicable) must be provided to the eligible South Carolina Institution before a student can be awarded.

- (b) Score at least an 1100 on the Scholastic Assessment Test (SAT) or an equivalent ACT score as determined by the Commission. Test scores will be accepted through the CHE determined national test administration of the SAT and ACT during the year of high school graduation. The student must use the highest SAT Math score combined with the highest SAT Evidenced-based Reading score. It is permissible to select scores from different test administrations in order to obtain the qualifying composite score. For purposes of meeting the ACT test score requirement, the student can use the highest English, Math, Reading and Science scores. It is permissible to select scores from different test administrations in order to obtain the qualifying composite score.

- (c) Rank in the top thirty percent of the graduating class in a high school with an approved, official rank policy, consisting of high school diploma candidates only. The rank must also be based on the UGP only. Students cannot be removed from the class because they did not meet the eligibility criteria, are not residents of the State, do not meet citizenship requirements, plan to attend college out-of-state, etc. The class rank information must include all students who attended your high school that school year. Ranking percentages must be reported to

two decimal places (minimum) and may not be rounded. For example, a student who has a class rank of 13 of 43 ( $13/43 \times 100 = 30.23\%$ ) will not rank in the top thirty percent of the class since 30.23% is not within thirty percent. To determine the top thirty percent for graduating classes with three or less students, the student who is ranked number one in the class would be considered in the top thirty percent for LIFE Scholarship eligibility. Only one student may occupy each place in class rank. Institutions shall use the final ranking as reported by the high school on the official transcript, and on a submitted rank report provided by the high school the student graduated from. A ranking report must be attached to the official transcript regardless of the graduating high school. High schools or home school associations that do not rank as a policy; or high schools whose grading policy deviates from the current SC Uniform Grading Policy and that do not convert the graduating class to the current SC UGP to determine class rank, must use the GPA and SAT or ACT criteria when attempting to meet the academic requirements for the LIFE Scholarship. High schools or home school associations shall not use ranking for the sole purpose of obtaining eligibility for the state scholarships. The rank policy and rank policy information must be available to parents, students, colleges, and universities, and the Commission on Higher Education in publication form to include a school's website, student/parent handbook, and/or school profile. This language must include the ranking policy in place at the school/association. The ranking policy should be consistent in all places where the rank policy is published and is the same information disseminated to parents, students, colleges/universities, and the Commission. The SC UGP GPA and class rank (if school/association officially ranks as a policy) must be printed on an official final end of year high school transcript, which must also include a uniform date of calculation as determined by the Commission on Higher Education. The graduation date must also be printed on the final end of senior year high school transcript, and include no grades earned after the date of the graduating high school class for the graduation year.

(d) For the purposes of meeting the rank criterion, the existing high school rank of a South Carolina resident attending an out-of-state high school may be used provided it is calculated pursuant to a state-approved, standardized grading scale at the respective out-of-state high school. If the eligible South Carolina institution determines that a state-approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Policy (SC UGP), the institution must submit the grading scale to CHE for further review. If CHE confirms the out-of-state grading scale substantially deviates from the SC UGP, the state-approved, standardized grading scale shall not be used to meet the eligibility requirements for the LIFE Scholarship. All members of the student's Senior class at the out of state high school must be ranked in accordance with the South Carolina Uniform Grading Policy in these cases. When converting scores to the SC UGP, weighting must adhere to the SC UGP (i.e. honors no more than .50 and AP/IB no more than 1.0). In addition, scores/grades must correspond to the SC UGP. For example, if a student earned a 90 in an honors class, the conversion of the score/grade must be equivalent to the points assigned according to the current SC UGP. The guidance counselor from the out-of-state preparatory school also has the option of converting the cumulative GPAs of all students in the applicant's class to the SC UGP to determine if the student ranks within the top thirty percent of the class. To be considered equivalent to the SC UGP, the out-of-state school's grading scale must adhere to the following minimum requirements:

(1) Must include all courses carrying Carnegie units, including units earned at the middle school and high school level;

(2) To be equivalent to an "A" letter grade, the numerical average must be  $\geq 90$ ; to be equivalent to a "B" letter grade the numerical average must be between 80 and 89 ; to be equivalent to a "C" letter grade the numerical average must be between 70 and 79 ; to be equivalent to a "D" letter grade the numerical average must be between 60 and 69 ; and to be equivalent to a "F" letter grade the numerical average must be between 50 and 59 (if a course with a numerical average of  $< 62$  is considered passing by the high school the student earned the grade, then a 73 numerical average should be given);

(3) Cannot add more than one half (.50) additional quality point for honors courses; cannot add more than one additional quality point for dual enrollment (DE) courses, Advanced Placement (AP) courses, and standard level International Baccalaureate (IB) courses; and, cannot add more than two additional quality points for higher level IB courses;

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(4) Must classify all other courses as College Preparatory if they are not already classified as honors, DE, AP or IB. For a class to be classified as honors, the course must be in English, mathematics, science or social studies or be the third/fourth level for all other content areas; and,

(5) If no numerical average is available, all letter grades must be converted to the equivalent numerical average based on the following: all “A” letter grades must be converted to a 95 numerical average, all “B” letter grades must be converted to a 85 numerical average, all “C” letter grades must be converted to a 75 numerical average, all “D” letter grades must be converted to a 65 numerical average, and all “F” numerical averages must be converted to a 50 numerical average.

4. Earn a cumulative 3.0 grade point average (GPA) on the Uniform Grading Policy upon high school graduation and score at least an 1100 on the Scholastic Assessment Test (SAT I) or an equivalent ACT score of 22 as determined by the Commission if a first-time entering freshman graduates from a non-ranking South Carolina high school, non-ranking South Carolina approved home school association or out-of-state preparatory high school and attends an eligible four-year institution;

5. Earn a cumulative 3.0 grade point average (GPA) upon high school graduation on the Uniform Grading Policy if a first-time entering freshman at an eligible two-year or technical institution. No other grading policy will be allowed to qualify for the LIFE Scholarship. Grade point ratios must be reported to two decimal places (minimum) and may not be rounded. For example, a student who earns a 2.99 GPA is not eligible. Institutions shall use the final GPA as reported by the high school on the official transcript;

6. Be admitted, enrolled full-time, and classified as a degree-seeking student at a public or independent institution in South Carolina;

7. Certify that he/she has never been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* to any felonies or any second or subsequent alcohol/drug related offenses under the laws of this or any other state or under the laws of the United States in order to be eligible for a LIFE Scholarship, except that a high school or college student otherwise qualified who has been adjudicated delinquent or has been convicted or pled guilty or *nolo contendere* to a second or subsequent alcohol or drug-related misdemeanor offense nevertheless shall be eligible or continue to be eligible for such scholarships after the expiration of one academic year from the date of the adjudication, conviction, or plea by submitting an affidavit each academic year to the institution. However, a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* to a second alcohol/drug related misdemeanor offense is ineligible for the next academic year of enrollment at an eligible institution after the date of the adjudication, conviction or plea. If the adjudication, conviction, or plea occurs during the academic year after the student has already submitted a signed affidavit to the institution, the student will be eligible to receive the Scholarship the remainder of the academic year. However, the student will be ineligible for the Scholarship the following entire academic year of enrollment. If a student completes a pretrial intervention program and has his/her record expunged the conviction will not affect Scholarship eligibility; and

8. Certify that he/she has not defaulted and does not owe a refund or repayment on any federal or state financial aid. If a student has an Institutional Student Information Record (ISIR) or its equivalent on file, the ISIR information will be used to verify default status or refund/repayment owed on any Federal or State financial aid. Students who have not completed a Free Application for Federal Student Aid (FAFSA) must have an affidavit on file to verify that he/she is not in default and does not owe a refund or repayment on any Federal or State financial aid including, state grants/scholarships, Federal Pell Grant, Supplemental Educational Opportunity Grant, Perkins Loan and Federal Stafford Loan.

B. Any credit hours attempted or earned before high school graduation, hours exempted by examination, International Baccalaureate (IB) or Advanced Placement (AP) credit hours do not count against the terms of eligibility as provided in State Statute, Section 59-149-60. The credit hours earned before high school graduation

can be used toward the credit hour requirement. Credit hours earned through CLEP, IB or AP will be used toward the credit hour requirement.

C. Service members of the United States Armed Forces will not be penalized for any credit hours earned while on active duty. The credit hours earned on active duty will not count against the terms of eligibility, but will be used towards the annual credit hour requirement.

D. First-time entering freshmen will not be penalized for any credit hours earned during the summer session immediately prior to the student's initial college enrollment. The credit hours earned will not count against the terms of eligibility. The credit hours may be used toward the annual credit hour requirement.

E. Students who complete their high school graduation requirements prior to the official graduation date reported on the final high school transcript may be eligible to receive the LIFE Scholarship dependent on the approval of the eligible institution. The student must complete and submit an Early Graduation Application, an official high school transcript, an official letter from the high school principal verifying that he/she has met all graduation requirements, and SAT/ACT scores (if attending a four-year institution) by the established deadline. Early graduates cannot use class rank in order to qualify for the LIFE Scholarship at four-year institutions. Early graduates who enroll mid-year (spring term) and are awarded the LIFE Scholarship through the Early Graduation process will officially begin their initial college enrollment. In order to receive the LIFE Scholarship the next academic year, the student must earn a minimum of fifteen credit hours and a 3.0 "LIFE GPA" at the end of the academic year. The student will be eligible to receive the maximum number of terms of eligibility based on initial college enrollment. If a student does not submit an early graduation application for the spring term and has not officially graduated, the student should not have received the LIFE Scholarship and that term will not count against his/her terms of Scholarship eligibility.

F. First-time entering freshmen who enroll mid-year (spring semester) are eligible for the LIFE Scholarship if they qualified upon high school graduation.

G. LIFE Scholarship funds may not be applied to the cost of continuing education, remedial/developmental or non-degree credit courses for an associate's degree or higher. Twelve credit hours of the course load must be non-remedial/developmental, non-continuing education or degree-credit courses for an associate's degree or higher in order to receive LIFE Scholarship funds. Continuing education, non-degree credit for an associate's degree or higher and remedial/developmental courses will not be included in the "LIFE GPA" or credit hour calculations.

H. Non-degree credit hours shall be used to meet the full-time eligibility criteria for a diploma or certificate program only. Students must sign an affidavit certifying that they understand that non-degree credit hours will not be used in calculating the "LIFE GPA" or credit hour requirements if they are enrolled in an Associate's degree or higher.

I. Credit hours earned during the student's first two term(s) of remedial/developmental enrollment will not be used to determine remaining Scholarship eligibility at the completion of remediation unless the student has completed at least twelve credit hours of non-remedial/developmental coursework each term of enrollment. First-time entering freshmen attending an eligible two-year institution or technical college who enroll in fewer than twelve credit hours of non-remedial/developmental, including at least three hours of remedial/developmental courses during the first term(s) will not be eligible for Scholarship funds during this period. The student's initial college enrollment will begin after a maximum of two terms of remediation at an eligible two-year or technical college only. The student will be eligible for the Scholarship for the term following Spring or Fall term immediately after the completion of remediation if the student was eligible to receive the LIFE Scholarship upon high school graduation. A student is allowed a maximum of two terms of remediation, which must be within the first two terms of attendance at an eligible institution, before his/her terms of eligibility start. If the student requires more than one academic year of remedial/developmental coursework, then he/she will not be eligible for the LIFE Scholarship the term after completion of remediation. If the student was not

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eligible for the Scholarship upon high school graduation, the student must meet the conditions set forth in Section J below in order to gain the LIFE Scholarship.

J. Students who do not meet the scholarship eligibility requirements upon high school graduation and enroll in remedial/developmental courses during a maximum of two terms at an eligible two-year institution or technical college, and who enroll in fewer than twelve credit hours of non-remedial/developmental courses, must meet the scholarship eligibility requirements (earn a 3.0 “LIFE GPA” and earn an average of thirty credit hours for the academic year) at the end of the first year of enrollment in non-remedial/developmental courses to be eligible to receive the scholarship for the second year of enrollment in non-remedial/developmental courses. Credit hours earned during the student’s first two term(s) of remedial/developmental enrollment will not be used to determine remaining Scholarship eligibility at the completion of remediation unless the student has completed at least twelve credit hours of non-remedial/developmental coursework each term of enrollment.

K. Students receiving a LIFE Scholarship are not eligible to receive a Palmetto Fellows Scholarship, SC HOPE Scholarship or Lottery Tuition Assistance in the same academic year.

L. Students who have already been awarded their first bachelor’s degree or graduate degree are not eligible to receive the LIFE Scholarship. In cases where students are enrolled in a program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, which will be the students’ first academic degree awarded, the students must maintain their undergraduate status in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master’s of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina.

M. All documents required for determining LIFE Scholarship eligibility must be submitted to the institution by their established deadline(s). Students must submit official transcripts from all previous and current institutions, which provide evidence to calculate the “LIFE GPA,” determine initial college enrollment and earned annual credit hour requirement. Students that complete coursework at another institution at any time during the academic year (fall, spring, summer) must submit an official transcript to the home institution at the end of the academic year to determine eligibility for the LIFE Scholarship.

N. First-time entering freshmen who attended out-of-state preparatory high schools or graduated from a South Carolina high school prior to the full implementation of the South Carolina Uniform Grading Policy must have their high school transcript converted to the UGP in order to qualify for the LIFE Scholarship. It is the responsibility of the out-of-state preparatory high school or South Carolina high school to convert the student’s GPA to the Uniform Grading Policy.

O. To be eligible for a LIFE Scholarship Enhancement each academic year, the student must:

1. Meet all of the eligibility requirements at the end of each academic year to receive a LIFE Scholarship as stipulated by state law and regulation and be a recipient of LIFE Scholarship funds at the time of LIFE Scholarship Enhancement disbursement. The student must receive the underlying LIFE Scholarship;

2. Be enrolled as a full-time, degree-seeking student in a declared major of education, science or mathematics, in an eligible program that is approved and assigned a CIP code by the Commission on Higher Education at the time of disbursement of LIFE Scholarship Enhancement funds. Eligible programs include degrees awarded in education, math and science fields, computer science or informational technology, engineering, accounting, and healthcare and related disciplines including medicine and dentistry. The student must meet all requirements for satisfactory academic progress towards completion of the declared major as established by the policies of both the institution and the academic department in which the student is enrolled;

3. Be enrolled at an eligible four-year public or independent institution located in South Carolina;
4. All students not majoring in education- related disciplines must have successfully completed a total of at least fourteen credit hours of instruction in mathematics and life and physical science courses within an approved major, in any combination, by the end of the student's first year of enrollment in college (based on initial date of college enrollment). For purposes of meeting the required minimum level of instruction in accounting, mathematics, and life and physical science courses during a student's first year, Exempted Credit Hours placed on the student's official college transcript by the institution at which they were earned, College Level Examination Program (CLEP), Dual Enrollment, Pass/Fail courses with a grade of "Pass" (only), Satisfactory/Unsatisfactory courses with a grade of "Satisfactory" (only), International Baccalaureate (IB) courses and Advanced Placement (AP) courses in mathematics and life and physical sciences taken in high school in which the student scored a three or more on the advanced placement test and received college credit may count toward the fulfillment of this minimum requirement. The Commission will issue a list of eligible courses by CIP code for determining eligible coursework to meet the fourteen credit hour requirement. Remedial/developmental, continuing education, non-degree credit coursework and credit hours earned for courses taken after the end of the student's first year of college enrollment cannot be used to meet the specified minimum fourteen credit hour course level requirement to gain eligibility to receive the LIFE Scholarship Enhancement;
5. Meet the continued eligibility requirements for the LIFE Scholarship of a minimum 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year;
6. Be in the second, third or fourth year of full-time enrollment (based on initial date of college enrollment after high school graduation) at an eligible four-year public or independent institution in South Carolina. Students enrolled full-time in an eligible, approved five-year degree program may also be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment); and
7. Students who initially enroll in college mid-year (i.e., spring term) as a freshman and meet the requirements under Section 62-1200.10 may be eligible to receive a LIFE Scholarship Enhancement at the beginning of the spring term of the next academic year (i.e., beginning with the third consecutive term of full-time enrollment based on initial date of college enrollment). The student must earn a minimum average of 15 credit hours and a 3.0 LIFE GPA to be awarded a LIFE Scholarship the following academic year and a minimum average of 30 credit hours by the end of the first academic year (i.e., by the end of the fall term or second consecutive term of full-time enrollment based on initial date of college enrollment) of enrollment to receive a LIFE Scholarship Enhancement beginning the spring term of the second, third and/or fourth year of college enrollment.
8. For the 2024-25 academic year, a resident student who is at least in the second year of attendance, based on initial college enrollment, at an eligible four-year public or independent institution of higher learning in this State, who is majoring in science, mathematics, accounting, or an education program that leads to certification as defined by the Commission on Higher Education, and who is receiving a LIFE Scholarship for the current year, shall receive an additional LIFE Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed two thousand five hundred (\$2,500) dollars each year for no more than three additional years of instruction, including his sophomore year, if enrolled in a four-year degree program, or for not more than four additional years of instruction, including his sophomore year, if enrolled in an approved five-year degree program or a 3 plus 2 program. To receive the additional LIFE Scholarship stipend each year, the student must receive the underlying LIFE Scholarship for that year and must be making acceptable progress each year toward receiving a degree in his education major.
9. All education majors receiving the enhancement/stipend based on their status as an education major must enter into a contractual agreement, including a default provision, that stipulates that the stipend recipient shall



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upon graduation work in a South Carolina public school for at least one school year for every year the stipend is received. A third party may be used for purposes of processing the contractual agreement.

P. The LIFE Scholarship and LIFE Scholarship Enhancement are to be annual awards. Half of the Scholarship and Enhancement funds are to be disbursed in the fall and half are to be disbursed in the spring. In the cases where students who initially enroll in college mid-year (i.e., spring term) as a freshman and meet the requirements under Sections 62-1200.10 (O) and 62-1200.15 (C), such student shall be awarded the LIFE Scholarship Enhancement one year after initial college enrollment (i.e., spring term). Students who change their major from an ineligible degree program to an eligible degree program during the same academic year shall not receive the LIFE Scholarship Enhancement until the beginning of the next academic year (i.e., fall term). Students who change their major from an eligible degree program to an ineligible degree program during the same academic year may continue to receive the LIFE Scholarship Enhancement during the current academic year; however, the student cannot be awarded the LIFE Scholarship Enhancement the next academic year of enrollment in an ineligible degree program. During the student's final term of attendance, not to exceed the eighth term of enrollment based on initial college enrollment, the institution may prorate the LIFE Scholarship and the LIFE Scholarship Enhancement award amount, for the number of credit hours attempted for the current term of attendance, which must be the term of graduation for the student. Proration will be based on 12 credit hours.

Q. The Commission on Higher Education shall annually communicate with high school guidance counselors regarding the list of qualifying majors in this section.

62-1200.15. Continued Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Students must meet the following criteria to renew eligibility for the LIFE Scholarship:

1. Continue to meet all eligibility requirements as stated in the "Student Eligibility" Section;
2. Earn at least a 3.0 "LIFE GPA" by the end of the academic year; and
3. Meet the annual credit hour requirement (or its equivalent) by the end of the academic year based on initial college enrollment:
  - (a) earn a minimum of 30 (or the equivalent) credit hours if entering the second year; or
  - (b) earn a minimum of 60 (or the equivalent) credit hours if entering the third year; or
  - (c) earn a minimum of 90 (or the equivalent) credit hours if entering the fourth year; or
  - (d) earn a minimum of 120 (or its equivalent) credit hours if entering the fifth year of an approved five-year bachelor's degree program.

B. Students who meet the continued eligibility requirements by the end of the spring term and who enroll in Maymester or summer term will not be eligible to receive the LIFE Scholarship if their cumulative grade point average falls below the minimum 3.0 "LIFE GPA" requirement by the end of the summer term.

C. Students who are LIFE eligible upon high school graduation and initially enroll in college mid-year (spring term) may be eligible to receive the LIFE Scholarship the next academic year, if the student earns a minimum of fifteen (15) credit hours and a 3.0 "LIFE GPA" at the end of the academic year. For subsequent years, the student must meet the annual credit hour requirement and 3.0 LIFE GPA for renewal:

- (a) earn a minimum of 45 (or the equivalent) credit hours if entering the fourth semester based on initial college enrollment; or

(b) earn a minimum of 75 (or the equivalent) credit hours if entering the sixth semester based on initial college enrollment; or

(c) earn a minimum of 105 (or the equivalent) credit hours if entering the eighth semester based on initial college enrollment; or

(d) earn a minimum of 135 (or its equivalent) credit hours if entering the tenth semester of an approved five-year bachelor's degree program based on initial college enrollment.

Students who fail to meet the initial academic eligibility criteria to receive the LIFE Scholarship upon high school graduation, and who initially enroll in college mid-year (spring term) may be eligible to receive the LIFE Scholarship beginning in their second Fall term of college attendance at an eligible institution, if the student earns a minimum of forty-five (45) credit hours and a 3.0 "LIFE GPA" by the end of the prior academic year. The student may be eligible to receive the maximum number of terms of eligibility based on initial college enrollment.

D. Students must meet the following criteria to renew eligibility for the LIFE Scholarship Enhancement:

1. Continue to meet all eligibility requirements as stated in the "Student Eligibility: LIFE Scholarship and the LIFE Scholarship Enhancement" Section;

2. Be a recipient of LIFE Scholarship funds at the time of LIFE Scholarship Enhancement disbursement; and

3. Be enrolled full-time at an eligible four-year public or independent institution as a declared major in an eligible education, science or mathematics program as stipulated under Section 62-1200.10.

E. Students who meet the continued eligibility requirements by the end of the spring term and who enroll in Maymester or summer term will not be eligible to receive the LIFE Scholarship Enhancement if their cumulative grade point average falls below the minimum 3.0 "LIFE GPA" requirement by the end of the summer term resulting in ineligibility for a LIFE Scholarship. Students who do not meet the continued eligibility requirements to receive the LIFE Scholarship cannot receive a Scholarship or LIFE Scholarship Enhancement for the following academic year.

F. The student may be eligible to receive the maximum number of terms of eligibility (i.e., six consecutive terms) for a LIFE Scholarship Enhancement starting the second year of college enrollment (based on initial date of college enrollment after high school graduation).

G. At the end of the spring term each academic year, the institution must notify all LIFE Scholarship recipients who have not met continued eligibility requirements for the next academic year. The notification should include information regarding the student's ability to attend summer school in order to meet the continued eligibility requirements.

#### 62-1200.20. Terms of Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.

A. The maximum number of terms of eligibility is based on the student's initial college enrollment with the exception of the summer term immediately prior to the student's initial college enrollment and up to one academic year of full-time enrollment in remedial/developmental coursework.

B. Students may receive a LIFE Scholarship for a maximum of two terms for a one-year educational program, four terms for an associate's degree program or at least a two-year program that is acceptable for full credit towards a bachelor's degree, six terms towards an approved associate's degree program that requires a minimum of 68 credit hours, eight terms (or its equivalent) towards the first bachelor's degree or program of study that is

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structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree program or ten consecutive terms towards an approved five-year bachelor's degree program. (See chart in "C" below.) In cases where students are enrolled in a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree, which will be the students' first academic degree awarded, such students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement each academic term, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina. Students who have already been awarded their first bachelor's degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students are eligible to receive the LIFE Scholarship for a maximum of eight consecutive terms (or its equivalent) and a LIFE Scholarship Enhancement for a maximum of six consecutive terms (or its equivalent), as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education.

C. If a student pursues the following program, the terms of eligibility for the LIFE Scholarship will be based upon the student's initial college enrollment:

| Degree/Program   | Average Credit Hours Earned at the End of Each Academic Year    |                                     |                                     |                                     |                                      |  |
|--|---|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------|--|
|  | Maximum Terms of Eligibility                                    | 1st Year<br>= 30<br>credit<br>hours | 2nd Year<br>= 60<br>credit<br>hours | 3rd Year<br>= 90<br>credit<br>hours | 4th Year<br>= 120<br>credit<br>hours | Fifth Year<br>= 150<br>credit<br>hours |
|  | Terms of Remaining Eligibility at the End of Each Academic Year |                                     |                                     |                                     |                                      |  |
| One-year Certificate/Diploma   | 2   | 0                                   | 0                                   | 0                                   | 0                                    | 0                                      |
| Associate/Two-year Program   | 4   | 2                                   | 0                                   | 0                                   | 0                                    | 0                                      |
| Approved Associate's Degree Program that requires a minimum of 68 credit hours | 6   | 4                                   | 2                                   | 0                                   | 0                                    | 0                                      |
| Bachelor/First Professional  | 8   | 6                                   | 4                                   | 2                                   | 0                                    | 0                                      |
| Approved Five-year Bachelor  | 10  | 8                                   | 6                                   | 4                                   | 2                                    | 0                                      |

D. The maximum number of terms of eligibility for a LIFE Scholarship Enhancement is based on the student's continued eligibility for a LIFE Scholarship and beginning with the student's second year of college enrollment (based on initial date of college enrollment), with the exception of the summer term immediately prior to the student's initial college enrollment and up to one academic year of full-time enrollment in remedial/developmental coursework. A student may receive a LIFE Scholarship for a maximum of two terms towards a one-year certificate/diploma, four terms for a two-year associate's degree at an eligible two year institution, six terms towards an approved associate's degree program that requires a minimum of 68 credit hours, and eight terms towards a bachelor's degree at an eligible institution. The terms of eligibility that may be used towards a certificate, diploma or associate's degree at a two-year institution must be taken within the first two years of college, based on initial college enrollment. The terms of eligibility that may be used towards an approved associate's degree program that requires a minimum of 68 credit hours at a two year institution must be taken within the first three years of college, based on initial college enrollment.

E. Students may receive a LIFE Scholarship Enhancement for a maximum of six consecutive terms (i.e., three academic years) for a first bachelor's degree in an eligible program or an eligible program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree program, and eight consecutive terms (i.e., four academic years) towards an approved five-year bachelor's

degree program and six consecutive terms towards a 3 plus 2 program. Students must be enrolled in an eligible four-year public or independent institution in South Carolina as a declared major in an eligible education, science or mathematics major or an eligible program that is approved and assigned a CIP code by the Commission on Higher Education. In cases where students are enrolled in a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree, which will be the students' first academic degree awarded, students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement, with the exception of students declaring a major in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina.. Students who have already been awarded their first bachelor's degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students are eligible to receive a LIFE Scholarship for a maximum of eight consecutive terms (or its equivalent) and a LIFE Scholarship Enhancement for a maximum of six consecutive terms (or its equivalent) towards an undergraduate degree, as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. Students enrolled in an approved five-year degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework.

62-1200.25. Regaining or Earning Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Students who were U.S. Citizens or legal permanent residents, and South Carolina residents at the time of high school graduation and college enrollment, but were not initially eligible upon high school graduation or failed to meet the continued eligibility requirements can earn or regain eligibility for the LIFE Scholarship if they:

1. Meet all eligibility requirements as stated in the "Student Eligibility" Section;
2. Earn at least a 3.0 "LIFE GPA" by the end of the academic year;
3. Meet the annual credit hour requirement by the end of the academic year based on Initial college enrollment:
  - (a) earn a minimum of 30 (or the equivalent) credit hours if entering the second year; or
  - (b) earn a minimum of 60 (or the equivalent) credit hours if entering the third year; or
  - (c) earn a minimum of 90 (or the equivalent) credit hours if entering the fourth year; or
  - (d) earn a minimum of 120 (or its equivalent) credit hours if entering the fifth year of an approved five-year bachelor's degree program.
  - (e) earn the required number of credit hours as stated in Section 62-1200. 15 (C) for students who initially enroll mid-year.

B. A student who has earned a GED diploma may be eligible to earn the LIFE Scholarship at the end of the first academic year of a non-GED program. The student must meet the annual credit hour requirement (or equivalent) and a 3.0 "LIFE GPA" at the end of the first academic year. To qualify for subsequent years, the student must meet all eligibility requirements as stated in Section A above.

C. A student who has graduated from a homeschool association not approved by the state of South Carolina may be eligible to earn the LIFE Scholarship at the end of the first academic year based on initial college

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enrollment. The student must meet the annual credit hour requirement (or equivalent) and a 3.0 “LIFE GPA” at the end of the first academic year. The student may also qualify in subsequent years by meeting all eligibility requirements as stated in Section A above.

D. Students who have met the initial eligibility criteria for the LIFE Scholarship and initially enroll in college mid-year (spring term) may be eligible to receive the LIFE Scholarship the next academic year, if the student earns a minimum of fifteen credit hours and earns a cumulative 3.0 “LIFE GPA” at the end of the academic year. For subsequent years, the student must meet the annual credit hour requirement for renewal (refer to Section 62-1200.15 (C) for the required number of credit hours for mid-year students). The student may be eligible to receive the maximum number of terms of eligibility based on initial college enrollment.

E. Students who were not initially eligible for a LIFE Scholarship (as stated in this section) upon high school graduation or failed to meet the continued eligibility requirements for a LIFE Scholarship may earn or regain eligibility for a LIFE Scholarship Enhancement if they:

1. Meet all eligibility requirements as stipulated in Section 62-1200.10 and are recipients of a LIFE Scholarship;

2. Earn at least a 3.0 “LIFE GPA” and meet the annual credit hour requirement by the end of each academic year based on initial college enrollment to receive a LIFE Scholarship; and

3. Be a recipient of LIFE Scholarship funds at the time of LIFE Scholarship Enhancement funds disbursement.

62-1200.30. Transfer Students: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Students must meet all eligibility requirements for a LIFE Scholarship and for a LIFE Scholarship Enhancement as stipulated in Section 62-1200.10.

B. Transfer students who receive the LIFE Scholarship and transfer mid-year to another institution may be eligible to receive the Scholarship for the spring term if they met the eligibility requirements at the end of the previous academic year (See “Transfer Student” Section B for eligibility requirements):

1. Freshmen who transfer mid-year to the same type of institution (two-year to two-year or four year to four-year) must have met the Scholarship requirements of the respective institution at the time of initial college enrollment; or

2. Freshmen who transfer mid-year from a two-year to a four-year institution must meet the eligibility requirements of a first-time entering freshmen enrolling at a four-year institution; or

3. Freshmen who transfer mid-year from a four-year to a two-year institution must meet the eligibility requirements of a first-time entering freshmen enrolling at a two-year institution.

C. For determining initial eligibility for transfer students for the first-time at an eligible public or independent institution in South Carolina, students must meet the following requirements at the end of the previous academic year:

1. Earn a cumulative 3.0 LIFE GPA; and

2. Meet one of the following:

- (a) earn a minimum of thirty credit hours (or equivalent) at all institutions if entering the second year of college based on initial college enrollment; or

(b) earn a minimum of sixty credit hours (or equivalent) at all institutions if entering the third year of college based on initial college enrollment; or

(c) earn a minimum of ninety credit hours (or equivalent) at all institutions if entering the fourth year of college based on initial college enrollment; or

(d) earn a minimum of one hundred twenty credit hours (or equivalent) at all institutions if entering the fifth year of college in an approved five-year bachelor's degree program based on initial college enrollment; or

(e) earn the required number of credit hours as stated in Section 62-1200.15 (C) for students who initially enroll mid-year based on initial college enrollment.

D. For eligibility in subsequent years, transfer students must earn a 3.0 LIFE GPA and meet the annual credit hour requirement (or its equivalent) at all eligible institutions by the end of the academic year based on initial college enrollment.

E. The institution where the student is transferring will determine the classification of the entering transferring student based on initial college enrollment and will use this classification to determine the remaining terms of eligibility in compliance with the "Terms of Eligibility" Section.

F. Students transferring to an eligible public or independent four-year South Carolina institution may be eligible to receive a LIFE Scholarship Enhancement if they meet the requirements under Section 62-1200.10 and:

1. The student is a LIFE Scholarship recipient and transferring from an out-of-state institution or from an in-state four-year institution to an eligible public or independent four-year institution at the end of the academic year. The student must earn a minimum 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment) to receive a LIFE Scholarship Enhancement beginning the fall term of the second, third and/or fourth year of enrollment. Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

2. The student is a LIFE Scholarship recipient and transferring from an out-of-state institution or from an in-state four-year institution to an eligible public or independent four-year institution mid-year (i.e., spring term). The student may be eligible to receive a LIFE Scholarship Enhancement for the spring term of the second, third or fourth year of enrollment, if the student earned a 3.0 LIFE GPA and minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment). Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

3. The student is a LIFE Scholarship recipient and transferring from a two-year institution to an eligible public or independent four-year institution at the end of the academic year. The student must earn a 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment) to receive a LIFE Scholarship Enhancement beginning the fall term of the second, third and/or fourth year of enrollment. Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

4. The student is a LIFE Scholarship recipient and transferring from a two-year institution to an eligible public or independent four-year institution mid-year (i.e., spring term). The student may be eligible to receive a LIFE Scholarship Enhancement for the spring term of the second, third or fourth year of initial college

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enrollment, if the student earned a 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment). Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

### 62-1200.35. Students with Disabilities: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 must meet all eligibility requirements as defined in “Student Eligibility, Continued Eligibility, Regaining or Earning Eligibility, or Transfer Students” Sections except for the full-time enrollment requirement, if approved by the Disability Services Provider at the home institution. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973. It is the responsibility of the transfer student to provide written documentation concerning services from the previous institutional Disability Services Provider.

B. The institutional Disability Services Provider must provide written documentation to the Office of Financial Aid prior to each academic year or term verifying that the student is approved to be enrolled in less than full-time status or earn less than the required annual credit hours. The institution is responsible for retaining appropriate documentation according to the “Program Administration and Audits” Section.

C. For renewal, students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must meet all requirements as stated in the “Continued Eligibility” Section, except that if a student does not meet the annual credit hour requirement, the student must have been approved by the institutional Disability Services Provider in the prior academic year to be enrolled in less than “full-time” status or less than the required thirty credit hours. Each academic year, students must complete the required number of credit hours approved by the institutional Disability Services Provider for LIFE Scholarship and LIFE Scholarship Enhancement renewal and earn a 3.0 “LIFE GPA.” Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

D. Students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 may receive the maximum number of terms of eligibility as stated in the “Terms of Eligibility” Section.

E. In order to be eligible for the LIFE Scholarship and LIFE Scholarship Enhancement, students who no longer qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must comply with all requirements set forth under the “Student Eligibility, Continued Eligibility, Regaining or Earning Eligibility, or Transfer Students” Sections.

### 62-1200.40. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Students enrolled in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as full-time transfer credit are eligible to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the period in which the student is enrolled in such programs. Students will be required to meet the continued eligibility requirements.

B. Eligible students may use the appropriated portion of LIFE Scholarship and LIFE Scholarship Enhancement funds for internships, cooperative work programs, travel study programs or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as full-time transfer credit. LIFE Scholarship and LIFE Scholarship Enhancement funds must be paid directly to the student’s account at the home institution and cannot exceed the cost-of-attendance at the home institution or the cost-of-attendance at the host institution, whichever is less. The Commission on Higher Education will not transfer LIFE Scholarship or LIFE Scholarship Enhancement funds directly to the institution

where the student will participate in internships, cooperative work programs, travel study programs or National or International Student Exchange Programs. The institution is responsible for LIFE Scholarship and LIFE Scholarship Enhancement funds according to the “Policies and Procedures for Awarding” Section.

C. Students who enroll in one academic term at the home institution and also enroll in an internship, cooperative work program, travel study program or National or International Student Exchange Program that are approved by the home institution and that do not award full-time transfer credit during the same academic year, must complete an average of thirty credit hours and earn a 3.0 “LIFE GPA” by the end of the academic year to be eligible for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year (see Section 62-1200.15 (3)(a-d) for example). Students who did not use the entire eligibility for LIFE Scholarship and LIFE Scholarship Enhancement funds during this period shall be allowed to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on their initial college enrollment date (provided the student meets continued eligibility requirements).

D. For students enrolled in an internship, cooperative work program, travel study program or National or International Student Exchange Program during the entire academic year that is approved by the home institution but does not award full-time transfer credit for the entire academic year, LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year will be based on the prior year’s eligibility. Students who did not use the entire eligibility for LIFE Scholarship and LIFE Scholarship Enhancement funds during this period shall be allowed to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the student meets the continued eligibility requirements).

E. Students enrolled in an internship, a cooperative work program, a travel study program or national or international student exchange program during the academic year that is approved by the home institution and did not use the entire eligibility for LIFE Scholarship and LIFE Scholarship Enhancement funds during this period shall be allowed to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the student meets the continued eligibility requirements). In order to receive LIFE Scholarship and LIFE Scholarship Enhancement funds for summer school at the home institution, students must enroll in twelve credit hours during the summer. In order to maintain eligibility for the next academic year for students who only attend summer school at the home institution, the student must earn twelve credit hours during the academic year. For students who enroll in summer school and one other term of the academic year at the home institution, the student must earn a total of twenty-seven credit hours (or its equivalent) for the academic year. The student must meet all eligibility requirements as specified in the “Student Eligibility” and “Continued Eligibility” Sections, except for the completion of the annual credit hour requirement for the academic year.

F. The home institution will be responsible for obtaining official certification of the student’s grade point average, credit hours earned, and satisfactory academic progress for the purposes of determining eligibility for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year.

#### 62-1200.45. Military Mobilization: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Service members who are enrolled in college and are affected by military mobilizations will not be penalized for the term they are required to withdraw after the full refund period based on the institutional policies and procedures. Institutions are strongly encouraged to provide a full refund of required tuition, fees and other institutional charges or to provide a credit in a comparable amount against future charges for students who are forced to withdraw as a result of military mobilization. Additionally, the term(s) that the service member is mobilized will not count against the maximum terms of eligibility. The service member shall be allowed to receive the unused terms for the LIFE Scholarship and LIFE Scholarship Enhancement while mobilized during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the service member meets continued eligibility requirements). The service member must re-enroll in



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an eligible institution within twelve months upon their demobilization and provide official documentation to verify military deployment to the institutional Financial Aid Office upon re-enrollment to receive LIFE Scholarship and LIFE Scholarship Enhancement. Reinstatement of the LIFE Scholarship and the LIFE Scholarship Enhancement will be based upon the service member's eligibility at the time he/she was mobilized. If the student re-enrolls after the twelve month period, the service member must submit an Appeal Application to the Commission on Higher Education by the established deadline in order to be considered for reinstatement.

B. Service members who are enrolled in college and are mobilized for an entire academic year may renew the LIFE Scholarship and the LIFE Scholarship Enhancement for the next academic year, if they met the eligibility requirements at the end of the prior academic year. Service members who did not use the LIFE Scholarship and LIFE Scholarship Enhancement funds/terms of eligibility during this period due to military mobilization shall be allowed to receive the LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the service member meets continued eligibility requirements).

C. Service members who are enrolled in college and are mobilized for one academic term must complete an average of thirty credit hours and earn a 3.0 "LIFE GPA" by the end of the academic year to be eligible for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year (see Section 62-1200.15 (3)(a-d) for example). Service members who did not use LIFE Scholarship and LIFE Scholarship Enhancement funds/terms of eligibility during this period shall be allowed to receive the LIFE Scholarship and LIFE Scholarship Enhancement during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the service member meets the continued eligibility requirements).

D. In order to receive the LIFE Scholarship and the LIFE Scholarship Enhancement for summer school for the unused term(s), the service member must enroll in twelve credit hours during the succeeding summer term at the home institution. For service members who enroll in summer school and one other term of the academic year, the service member must earn a total of twenty-seven credit hours (or its equivalent) for the academic year. In order to maintain eligibility for the next academic year for service members who only attend summer school, the member must earn twelve credit hours during the academic year. The service member must meet all eligibility requirements as specified in the "Student Eligibility" and "Continued Eligibility" Sections for the LIFE Scholarship and LIFE Scholarship Enhancement, except for the completion of the thirty credit hour requirement for the academic year.

E. The home institution will be responsible for receiving verification of military mobilization status, "LIFE GPA," credit hours earned and terms of eligibility based on the service member's initial college enrollment and eligibility for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year.

F. Service members of the United States Armed Forces will not be penalized for any credit hours earned while on military mobilization. The credit hours earned will not count against the terms of eligibility, but will be used toward the annual credit hour requirement for the LIFE Scholarship and towards the minimum fourteen credit hour course level requirement for the LIFE Scholarship Enhancement.

### 62-1200.50. LIFE Scholarship Refunds and Repayments.

A. In the event a student who has been awarded a LIFE Scholarship and LIFE Scholarship Enhancement withdraws, is suspended from the institution, or drops below full-time enrollment status during any term of the academic year, institutions must reimburse the LIFE Scholarship Program for the amount of the LIFE Scholarship and LIFE Scholarship Enhancement for the term in question pursuant to the refund policies of the institution. Collection is the responsibility of the institution.

B. In the event a student withdraws or drops below full-time status after the institution's refund period and therefore must pay tuition and fees for full-time enrollment, the LIFE Scholarship and LIFE Scholarship Enhancement may be retained pursuant to the refund policies of the institution.

**62-1200.55. Appeals Procedures: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. The Commission on Higher Education shall define the appeals procedures.

B. Students who did not meet the continued eligibility requirements for the LIFE Scholarship at the end of the academic year due to an extenuating circumstance may request an appeal with the Commission on Higher Education.

C. The Commission on Higher Education will allow a student to submit only one appeal each academic year based on an extenuating circumstance.

D. A completed appeal's application must be filed with the Commission on Higher Education by the established deadline of the academic year the scholarship is requested. The student must provide a completed application for appeal, a letter requesting an appeal describing the extenuating circumstance, official transcripts from all prior institutions, and any other supporting documentation to substantiate the basis for the appeal. It is the responsibility of the student to ensure that all documents necessary to file an appeal are received at the Commission by the established deadline. Commission staff will not contact the student regarding missing or incomplete appeals documentation. Failure to submit a completed appeal's application by the required deadline(s) will result in forfeiture of the scholarship.

E. The LIFE Scholarship shall be suspended during the appeal period, but will be awarded retroactively if the appeal is granted.

F. Appeal Guidelines apply only to the LIFE Scholarship, not the LIFE Scholarship Enhancement. Students cannot appeal solely on the basis of a loss of a LIFE Scholarship Enhancement. However, students who appeal and are awarded the LIFE Scholarship under this section may be eligible to receive the LIFE Scholarship Enhancement.

G. The Appeals Committee's decision is final.

**62-1200.60. Institutional Policies and Procedures for Awarding: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. All eligible institutions are responsible for ensuring that each student has met the criteria based on state law and regulation to determine eligibility for the LIFE Scholarship and the LIFE Scholarship Enhancement as stipulated in Section 62-1200.10 and Section 62-1200.15.

B. Each institution is responsible for reviewing all students based on the "LIFE GPA" calculation below to determine eligibility for the LIFE Scholarship. Institutions must use official transcripts from all eligible institutions for each student and the steps in Section E below.

C. The institution must use grades earned at all eligible institutions during any term (fall, spring, and/or summer) for calculating a "LIFE GPA" at the end of the academic year.

D. The student must certify by submitting a signed affidavit that he/she is responsible for submitting transcripts from all previous and current eligible institutions. Students who complete coursework at another institution at anytime during the academic year (fall, spring, summer) must submit an official transcript to the home institution at the end of the academic year to determine eligibility for the LIFE Scholarship.

E. Steps for calculating a "LIFE GPA:"

1. Convert all grades earned at an eligible institution to a 4.0 scale based on each institution's grading policy where the grades were earned = Grade Points

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2. Multiply the grade points by attempted credit hours = Quality Points (QP)
3. Divide the total quality points by the total number of attempted credit hours = LIFE GPA
4. "LIFE GPA" Formula: 
$$\frac{\text{Grade Points X Attempted Credited Hours} = \text{QP}}{\text{Total Attempted Credit Hours}} = \text{LIFE GPA}$$

F. The "LIFE GPA" must include all grades earned at eligible institutions, including courses that do not transfer based on the institution's policy and college courses taken while in high school.

G. The "LIFE GPA" must not include attempted credit hours earned for continuing education courses, non-degree credit courses for an associate's degree or higher and remedial/developmental courses.

H. The student must meet the annual credit hour requirement at the end of the academic year based on initial college enrollment as defined in the "Continued Eligibility," "Regaining or Earning Eligibility" or "Transfer Students" Sections.

I. LIFE Scholarship awards are to be used only for payment toward the cost-of-attendance as established by Title IV Regulations. Eligible four-year public and independent institutions shall identify award amounts up to the cost-of-tuition for thirty credit hours, not to exceed four thousand seven hundred dollars, plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance) per academic year. Eligible two-year public or technical institutions shall identify award amounts, which cannot exceed the cost-of-tuition for thirty credit hours plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance) per academic year. For students enrolled at eligible two-year independent institutions, the award amount shall not exceed the maximum cost-of-tuition at the two-year USC regional institutions plus a three hundred dollar book allowance (not to exceed a maximum award amount of \$5,000 including cost-of-tuition plus book allowance) per academic year. Half shall be awarded during the fall term and half during the spring term (or its equivalent), assuming continued eligibility. The LIFE Scholarship in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV regulations for any academic year.

J. The LIFE Scholarship Enhancement is an annual award. Half of the funds are to be disbursed in the fall term and half to be disbursed in the spring term. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year shall not receive the LIFE Scholarship Enhancement until the beginning of the next academic year (i.e., fall term). Students who change their major from an eligible degree program to an ineligible degree program during the same academic year may continue to receive the LIFE Scholarship Enhancement during the current academic year; however, the student cannot be awarded the LIFE Scholarship Enhancement the next academic year of enrollment in an ineligible degree program.

K. The institution shall specify exact LIFE Scholarship Enhancement amounts to be used only for payment toward the cost-of-attendance as established by Title IV Regulations at eligible four-year public and independent institutions in South Carolina. The annual LIFE Scholarship Enhancement award amount shall not exceed \$2,500.00 per academic year for no more than three years of instruction if enrolled in an eligible four-year degree program or for not more than four years of instruction if enrolled in an eligible approved five-year degree program. Students enrolled in an eligible 3 plus 2 program shall receive a LIFE Scholarship for no more than four years of instruction and a LIFE Scholarship Enhancement for no more than three years of instruction. Half of the LIFE Scholarship Enhancement funds shall be awarded in the fall term and half during the spring term (or its equivalent), assuming continued eligibility. The LIFE Scholarship Enhancement in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV Regulations for any academic year.

L. In determining the amount awarded for the LIFE Scholarship Enhancement, all other sources of gift aid, including federal, State, private and institutional funds and the base LIFE Scholarship must be applied to the unmet total cost of attendance in accord with Title IV Regulations before calculating the LIFE Scholarship Enhancement amount and receiving the funds. Adjustments to the financial aid package will be made to the LIFE Scholarship Enhancement in accordance with prescribed Title IV Regulations in order to prevent an over award.

M. Students who have already been awarded a first bachelor's degree or graduate degree are not eligible to receive a LIFE Scholarship or a LIFE Scholarship Enhancement. Students enrolled in a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree as defined in the "Program Definitions" Section must maintain their undergraduate status in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina.

N. Eligible institutions shall provide an award notification to eligible students that contains the terms and conditions of the LIFE Scholarship and the LIFE Scholarship Enhancement. Institutions will notify students and the SC Commission on Higher Education of any adjustments in LIFE Scholarship and LIFE Scholarship Enhancement funds that may result from an over award, change in eligibility, change in the student's residency or change in financial status or other matters.

O. The institution must retain annual paper or electronic documentation for each LIFE Scholarship and LIFE Scholarship Enhancement award to include at a minimum:

1. Award notification;
2. Institutional disbursement to student;
3. Student's residency status;
4. Refunds and repayments (if appropriate);
5. Enrollment and curriculum requirements;
6. Verification of a 3.0 "LIFE GPA" and the required number of annual credit hours based on initial college enrollment;
7. Affidavit documenting that the student: a) has never been convicted of any felonies and/or a second or subsequent alcohol/ drug-related misdemeanor offenses within the past academic year; b) understands that non-degree credit hours will not be used in calculating the "LIFE GPA" or credit hour requirements if they are enrolled in an associate's degree or higher; and c) must certify that they have submitted transcripts from all previous and current institutions attended;
8. Institutional Student Information Record (ISIR) or affidavit documenting that the student is not in default or does not owe a refund or repayment on any state or federal financial aid;
9. High school transcript(s) and corresponding rank report (if applicable) verifying graduation or home school completion date, grade point averages and class ranks (first-time entering freshmen) or GED or Adult Education High School Diploma;
10. SAT or ACT scores (first-time entering freshmen);

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11. Verification of student's disability from Institutional Disability Service Provider and verification of reduced course-load requirement (if appropriate);

12. Military mobilization orders (if appropriate);

13. Beginning with the 2007-08 freshman class and thereafter, all institutions must retain documentation verifying that students met the minimum fourteen credit hour course level requirement by the end of the first year of college enrollment for the LIFE Scholarship Enhancement;

14. Verification from academic department of enrollment in a declared major in an eligible degree program (LIFE and Palmetto Fellows Scholarship Enhancement purposes only);

15. Documentation from Registrar or Admissions office that student's final high school GPA has been calculated pursuant to a grading scale that is at least equal to the SC UGP (For students who are attempting to use a class rank from an out-of-state institution to qualify for the LIFE Scholarship); and

16. Verification from the institution that lawful presence of the student in the US has been verified.

17. Collection of certification from education majors receiving enhancement/stipend monies of their completed contractual work agreement for the stipend.

P. It is the institution's responsibility to ensure that only eligible students receive a LIFE Scholarship and LIFE Scholarship Enhancement award.

Q. Any student who has attempted to obtain or has obtained a LIFE Scholarship and a LIFE Scholarship Enhancement award through means of a willfully false statement or failure to reveal any material fact, condition, or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the LIFE Scholarship and the LIFE Scholarship Enhancement.

R. At the end of the spring term each academic year, the institution must notify all LIFE Scholarship recipients who have not met the continued eligibility requirements for the next academic year. The notification should include information regarding the student's ability to attend summer school in order to meet the continued eligibility requirements.

62-1200.65. Institutional Disbursements: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Eligible four-year public and independent institutions shall award LIFE Scholarship amounts, which cannot exceed the cost-of-tuition for thirty credit hours a year, not to exceed four thousand seven hundred dollars, plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance) per academic year. Eligible two-year public or technical institutions shall award LIFE Scholarship amounts, which cannot exceed the cost-of-tuition for thirty credit hours plus a three hundred dollar book allowance (not to exceed a maximum award amount of \$5,000 including cost-of-tuition plus book allowance) per academic year. For students enrolled at eligible two-year independent institutions, the award amount for a LIFE Scholarship shall not exceed the maximum cost-of-tuition at the two-year USC regional institutions plus a three hundred dollar book allowance (not to exceed a maximum award amount of \$5,000 including cost-of-tuition plus book allowance) per academic year. Half of the LIFE Scholarship shall be awarded during the fall term and half during the spring term (or its equivalent), assuming continued eligibility. LIFE Scholarship funds cannot be disbursed during the summer or any interim sessions with the exception to disbursements that meet the requisites under the "Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs" or "Military Mobilization" Sections. The LIFE Scholarship in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV regulations for any academic year.

B. Eligible four-year public and independent institutions only shall award LIFE Scholarship Enhancement amounts, which cannot exceed the cost-of-attendance for thirty credit hours a year, not to exceed \$2,500 per academic year. The LIFE Scholarship Enhancement cannot be disbursed during the summer or any interim sessions with the exception of disbursements that meet the requisites under the “Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs” or “Military Mobilization” Sections. The LIFE Scholarship Enhancement in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV Regulations for any academic year.

C. The LIFE Scholarship and the LIFE Scholarship Enhancement may not be applied to a second bachelor’s degree or a graduate degree program as defined in the “Program Definitions” Section. In the event of early graduation, the LIFE Scholarship and LIFE Scholarship Enhancement awards are discontinued. Students are eligible to receive the LIFE Scholarship for a maximum of eight consecutive terms (or its equivalent) and a LIFE Scholarship Enhancement for a maximum of six consecutive terms (or its equivalent) towards an undergraduate degree, as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. In such cases where students are enrolled in a program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, which will be the students’ first academic degree awarded, such students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master’s of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina. Students who have already been awarded their first bachelor’s degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students enrolled in an approved five-year degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework.

D. In determining the amount awarded for the LIFE Scholarship Enhancement, all other sources of gift aid, including federal, State, private and institutional funds and the base LIFE Scholarship, must be applied to the unmet total cost-of-attendance in accord with Title IV Regulations before calculating the LIFE Scholarship Enhancement amount and receiving the funds. Adjustments to the financial aid package will be made to the base LIFE Scholarship and LIFE Scholarship Enhancement in accordance with prescribed Title IV Regulations in order to prevent an over award.

E. After the last day to register for each term of the academic year, the institution will verify enrollment of each recipient as a South Carolina resident who is a full-time, degree-seeking student. The institution must submit a request for LIFE Scholarship and LIFE Scholarship Enhancement funds and/or return of funds by the established deadline each term. In addition, a listing of all eligible recipients by identification numbers with award amounts for the term must be sent to the Commission on Higher Education. At this time any unused funds must be returned to the Commission on Higher Education immediately.

F. The Commission will disburse LIFE Scholarship and LIFE Scholarship Enhancement awards to the eligible institutions to be placed in each eligible student’s account.

G. The student must be enrolled at the time of disbursement of LIFE Scholarship and LIFE Scholarship Enhancement funds as a full-time student at the home institution, and meet all requirements as established in the “Student Eligibility” Section for a LIFE Scholarship and a LIFE Scholarship Enhancement. Students who are retroactively awarded must have been enrolled in a minimum of twelve credit hours (full-time) as a declared major in an eligible program under Section 62-1200.10 at the home institution at the time the LIFE Scholarship and LIFE Scholarship Enhancement would have been disbursed for that term.

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H. The LIFE Scholarship and LIFE Scholarship Enhancement are to be annual awards. Half of the funds are to be disbursed in the fall term and half to be disbursed in the spring term. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year shall not receive the LIFE Scholarship Enhancement until the beginning of the next academic year (i.e., fall term). Students who change their major from an eligible degree program to an ineligible degree program during the same academic year may continue to receive the LIFE Scholarship Enhancement during the current academic year; however, the student cannot be awarded the LIFE Scholarship Enhancement the next academic year of enrollment in an ineligible degree program.

### 62-1200.70. Program Administration and Audits: LIFE Scholarship and LIFE Scholarship Enhancement.

A. The South Carolina Commission on Higher Education shall be responsible for the oversight of functions (e.g., guidelines, policies, rules, regulation) relative to this program with participating institutions. The Commission on Higher Education shall be responsible for the allocation of funds, promulgation of guidelines and regulation governing the LIFE Scholarship Program, any audits or other oversight as may be deemed necessary to monitor the expenditures of scholarship funds.

B. According to the Audit Policies and Procedures for Scholarship and Grant Programs Manual, all eligible institutions that participate in the program must abide by program policies, rules or regulation. Institutions also agree to maintain and provide all pertinent information, records, reports or any information as may be required or requested by the Commission on Higher Education or the General Assembly to ensure proper administration of the program.

C. The Chief Executive Officer at each participating institution shall identify to the Commission on Higher Education a LIFE Scholarship institutional representative who is responsible for the operation of the program on the campus and will serve as the contact person. The institutional representative will act as the student's fiscal agent to receive and deliver funds for use under the program.

D. The participating institution shall identify to the Commission on Higher Education an institutional representative who is responsible for determining residency classification for the purposes of awarding the LIFE Scholarship.

E. All eligible independent and public institutions that participate in the program must verify the lawful presence of any student who receives a LIFE Scholarship and LIFE Scholarship Enhancement prior to awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

F. All eligible independent and public institutions shall submit separate invoices for the purposes of enhancements, as determined by the Commission on Higher Education.

### 62-1200.75. Suspension or Termination of Institutional Participation: LIFE Scholarship and LIFE Scholarship Enhancement.

A. The Commission may review institutional administrative practices to determine institutional compliance with pertinent statutes, guidelines, rules or regulations. If such a review determines that an institution has failed to comply with Program statutes, guidelines, rules or regulations, the Commission may suspend, terminate, or place certain conditions upon the institution's continued participation in the Program and require reimbursement to the LIFE Scholarship Program for any LIFE Scholarship or LIFE Scholarship Enhancement funds lost or improperly awarded.

B. Upon receipt of evidence that an institution has failed to comply, the Commission on Higher Education shall notify the institution in writing of the nature of such allegations and conduct an audit.

C. If an audit indicates that a violation or violations may have occurred or are occurring at any eligible public or independent institution, the Commission on Higher Education shall secure immediate reimbursement from the institution in the event that any funds were expended out of compliance with the provisions of the Act, any relevant statutes, guidelines, rules, and regulations.

D. The institution is responsible for determining South Carolina residency and lawful presence of all LIFE Scholarship and LIFE Scholarship Enhancement recipients. If it is determined that the institution has failed to verify the lawful presence and South Carolina residency of a LIFE Scholarship or LIFE Scholarship Enhancement recipient, the institution shall immediately reimburse the funds disbursed in error.

E. Independent and public institutions of higher learning in this, or any other state in the U.S., outside the U.S. or abroad, are prohibited from using the Legislative Incentive for Future Excellence or “LIFE” Scholarship in programs that promote financial aid incentives or packages. Any mention of the Legislative Incentive for Future Excellence or “LIFE” Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Legislative Incentive for Future Excellence or “LIFE” Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

F. The student shall be required to provide a state recognized, unique identifier in order to award, disburse and/or transfer the student’s LIFE Scholarship to an eligible institution.

G. All eligible independent and public institutions that participate in the scholarship enhancement program shall report to CHE the recipients of each enhancement award, per term within the deadlines as determined by CHE. In reporting recipients of the enhancement, institutions shall distinguish recipients by their status in the eligible major, ensuring that education, accounting, math, and science majors are individually identified in a format as determined by CHE.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program.

Document No. 5322  
**STATE COMMISSION ON HIGHER EDUCATION**  
 CHAPTER 62  
 Statutory Authority: 1976 Code Section 59-104-20

62-300 - 62-375. Palmetto Fellows Scholarship Program.

**Synopsis:**

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, Palmetto Fellows Scholarship Program. Revisions to the existing regulation for the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement Program are being considered to clarify the policies and procedures for administering the program. In the proposed amendments, regulation is being updated to reflect the passage of Act 156 of 2024, allowing for the awarding of Palmetto Fellows Scholarship Enhancements to students in approved STEM and Education Degree programs. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.



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The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on May 24, 2024.

### Instructions:

Print the regulation as shown below. All other items remain unchanged.

### Text:

Table of Contents:

- 62-300. Purpose of the Palmetto Fellows Scholarship and Scholarship Enhancement.
- 62-305. Allocation of Program Funds.
- 62-310. Definitions.
- 62-315. Initial Eligibility for Palmetto Fellows Scholarship.
- 62-318. Eligibility for Palmetto Fellows Scholarship Enhancement.
- 62-320. Palmetto Fellows Scholarship Application.
- 62-325. Palmetto Fellows Scholarship Selection Process.
- 62-330. Policies and Procedures for Awarding the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.
- 62-335. Duration and Renewal of Awards.
- 62-340. Transfer of Reapplication for the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.
- 62-345. Students with Disabilities.
- 62-350. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs, or National or International Exchange Programs.
- 62-351. Military Mobilization.
- 62-355. Appeals Procedures.
- 62-360. Institutional Disbursement of Funds.
- 62-365. Refunds and Repayments.
- 62-370. Program Administration and Audits.
- 62-375. Suspension or Termination of Institutional Participation.

62-300. Purpose of the Palmetto Fellows Scholarship and Scholarship Enhancement.

A. Pursuant to Act 458 and amended by Act 95 and Act 162 in 2005, the Commission on Higher Education shall promulgate regulation and establish procedures to administer the Palmetto Fellows Scholarship Program. The General Assembly established the Palmetto Fellows Scholarship Program to foster scholarship among the State's postsecondary students and retain outstanding South Carolina high school graduates in the State through awards based on scholarship and achievement. The purpose of the Palmetto Fellows Scholarship Program is to recognize the most academically talented high school seniors in South Carolina and to encourage them to attend eligible colleges or universities in the State. A secondary purpose is to help retain talented minority students who might otherwise pursue studies outside the State.

B. Pursuant to Act 115 and amended by Act 235 in 2008, the Commission on Higher Education shall promulgate regulation and establish procedures for administration of the Palmetto Fellows Scholarship Enhancement. The General Assembly established the Palmetto Fellows Scholarship Enhancement in order to foster scholarship among the State's postsecondary students through awards based on scholarship and achievement. The purpose of the Palmetto Fellows Scholarship Enhancement Program is to recognize the most academically talented college students throughout the state of South Carolina in the areas of education, accounting, mathematics and science and encourage them to attend eligible colleges or universities in the State. In order to receive a Palmetto Fellows Scholarship Enhancement, all students must qualify for a Palmetto

Fellows Scholarship as stipulated herein. With Act 156, passed in 2024, the Enhancements were expanded to include students majoring in education programs leading to certification and accounting.

C. Independent and public institutions of higher learning in this or any other state in the U.S., outside the U.S. or abroad are prohibited from using the Palmetto Fellows Scholarship in programs that promote financial aid incentives or packages. Any mention of the Palmetto Fellows Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Palmetto Fellows Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

#### 62-305. Allocation of Program Funds.

A. Funds made available for higher education grants and scholarships under Chapter 143 of Title 59 of the 1976 Code, as amended under Act 458, South Carolina Children First: Resources for Scholarship and Tuition Act of 1996, shall be included in the annual appropriation to the Commission on Higher Education. Fifty percent of the appropriation shall be designated for the Palmetto Fellows Scholarship Program and the remaining fifty percent shall be for the Need-based Grants Program. However, in instances where the equal division of the appropriated funds between the Palmetto Fellows Scholarship and Need-based Grants Programs exceeds the capacity to make awards in either program, the Commission on Higher Education has the authority to re-allocate the remaining funds between the two programs.

B. Under the South Carolina Education Lottery Act, a designated amount shall be allocated for Palmetto Fellows Scholarships and shall be included in the annual appropriation to the Commission on Higher Education.

C. After expending funds appropriated for Palmetto Fellows Scholarships from all other sources, there is automatically appropriated from the general fund of the State whatever amount is necessary to provide Palmetto Fellows Scholarships to all students meeting the requirements of Section 59-104-20.

D. The Palmetto Fellows Scholarship Enhancement is contingent upon the availability of funds appropriated by the General Assembly each academic year.

#### 62-310. Definitions.

A. "Academic year" is defined as the twelve-month period of time during which a full-time student is expected to earn thirty credit hours. The period of time used to measure the academic year consists of the fall, spring and immediately succeeding summer terms.

B. "Annual credit hour requirement" is defined for the Palmetto Fellows Scholarship as a minimum of thirty (30) credit hours taken and earned at the end of each academic year based on the date of initial college enrollment. Credit hours cannot include remedial, continuing education, exempted credit hours (such as AP, CLEP, IB, etc.), credit hours earned before high school graduation (dual enrollment) and credit hours earned the summer term immediately following high school graduation. Credit hours earned before high school graduation, including Advanced Placement (AP) credit hours, International Baccalaureate (IB) credit hours, exempted credit hours as well as credit hours earned on active duty, must be placed on the student's official college transcript by the institution at which they are earned, and be counted toward the annual credit hour requirement for the purposes of the Palmetto Fellows Scholarship Enhancement. Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

C. "Approved five-year bachelor's degree program" is defined as a five-year bachelor's program that is defined and approved by the Commission on Higher Education to receive the Palmetto Fellows Scholarship for a maximum of ten terms and the Scholarship Enhancement for a maximum of eight terms at the same eligible independent or public institution to complete the requirements for a bachelor's degree. An approved five-year bachelor's degree program does not include institutional and cooperative "3 plus 2" programs.

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D. “Bachelor’s degree program” is defined as an undergraduate program of study leading to the first bachelor’s degree as defined by the U.S. Department of Education.

E. “CIP (Classification of Instructional Program) Code” is defined as the U.S. Department of Education’s standard for federal surveys and state reporting for institutional data (majors, minors, options and courses). For the purpose of receiving the Palmetto Fellows Scholarship Enhancement, CIP Codes have been approved or identified by the Commission on Higher Education for eligible degree programs in the fields of education, mathematics and science.

F. “Continuing education coursework” is defined as postsecondary courses designed for personal development and that cannot be used as credit toward a degree.

G. “Continuously enrolled” is defined as enrollment without an interruption that would require the student to pursue a formal process of readmission to that institution. Formal petitions or applications for change of degree level shall be considered readmissions with the exception of students changing degree level within the programs cited in paragraphs L and HH of this section and students who have been granted preapproved leave status for no longer than one semester by their institution. Continuously enrolled includes summer terms, military mobilization, or students who transfer from a four-year institution only to return to a four-year institution. Students who are enrolled in internships, cooperative work programs, travel study programs, or National or International Exchange Programs that are approved by the home institution are considered continuously enrolled. Any student who has been suspended, expelled, does not attend subsequent (or consecutive semesters) that does not require a formal process of readmission to that institution, or voluntarily withdraws from a four-year institution and/or enrolls at a two-year institution during the interruption is considered to be no longer continuously enrolled.

H. “Cost-of-attendance” is defined by Title IV regulations and may include tuition, fees, books, room and board, and other expenses related to transportation, disability or dependent care.

I. “Cumulative grade point average (GPA)” is defined as the cumulative institutional GPA used for graduation purposes, which includes dividing the total number of quality points earned in all courses by the total credit hours in all courses attempted at the student’s home institution. The cumulative GPA must be at least a 3.0 at the home institution for graduation purposes at the end of each academic year based on the date of initial college enrollment.

J. “Date of initial college enrollment” is defined as the first time a student matriculates into a postsecondary degree-granting institution after high school graduation or completion of an approved home school program, excluding the summer term immediately prior to the student’s enrollment in the first regular academic year. Students must remain continuously enrolled as any break in enrollment (excluding summer) will count toward the student’s terms of eligibility.

K. For the purposes of the Scholarship Enhancement, “declared major” is defined as an eligible degree program in which a student is enrolled as a full-time, degree-seeking student. The student must meet all requirements as stipulated by the policies established by the institution and the academic department the student is enrolled in a declared major in an eligible degree program. Students cannot minor in or take courses related to a specific program without meeting institutional and departmental policies and be considered enrolled in a declared major. Students must be enrolled in a declared major in an eligible degree program that is approved and assigned a CIP code by the Commission. Eligible degree programs are those listed as such on the Commission’s Web site. Students who change their declared major from an ineligible degree program to an eligible degree program within the same academic year shall not receive the Palmetto Fellows Scholarship Enhancement for that academic year. Additionally, students who change their declared major from an eligible degree program to an ineligible degree program within the same academic year will not lose eligibility until the next academic year.

L. “Degree-seeking student” is defined as a student enrolled full-time in a program of study that leads to the first bachelor’s degree, first approved five-year bachelor’s degree or a program of study that is structured so as not to require a bachelor’s degree at an eligible independent or public institution. Students must maintain their undergraduate status in order to receive the Palmetto Fellows Scholarship and the Scholarship Enhancement each academic year, with the exception of students enrolled in the following programs: 1) Master of Science in Physician Assistant Studies at the Medical University of South Carolina; 2) Doctor of Pharmacy at the Medical University of South Carolina; 3) Doctor of Pharmacy at the University of South Carolina; and 4) Doctor of Pharmacy at Presbyterian College. All programs must be approved by CHE for the purposes of receiving the scholarship enhancement.

M. “Eligible degree program” is defined for the purposes of the Palmetto Fellows Scholarship Enhancement as a degree program in education, mathematics or science as approved by the SC Commission on Higher Education. These programs include education, science or mathematics disciplines, accounting, computer science or informational technology, engineering, health care and health care related disciplines (including nursing, pre-medicine and pre-dentistry) as defined by the Commission on Higher Education. Enrollment in a minor does not meet the requirements of an eligible degree program for the Palmetto Fellows Scholarship Enhancement. Students must be enrolled in a declared major in an eligible degree program that is approved and assigned a CIP Code by the Commission. Eligible degree programs are those listed as such on the Commission’s Web site.

N. “Eligible high school” is defined as a public, private, charter, virtual, Montessori, or Magnet high school located within South Carolina, an approved home school program as defined in relevant State Statute (Sections 59-65-40, 45, and 47) or a preparatory high school located outside of the State while the student is a dependent of a legal resident of South Carolina who has custody or pays child support and college expenses of the dependent high school student in accordance with Section 59-112-10. A "preparatory high school" (out-of-state) is defined as a public or private school recognized by the state in which the school is located to offer curricula through the twelfth grade and prepares students for college entrance.

O. “Early awards” is defined as a period determined by CHE to apply for the Palmetto Fellows Scholarship. Application must be made through the students’ high school. This period is generally from the end of the student’s junior year (3<sup>rd</sup> year in high school) through April of the student’s senior year (4<sup>th</sup> year in high school).

P. “Early graduate” is defined as a student who graduates mid-year their senior year.

Q. “Eligible institution” is defined as a South Carolina two-year or four-year public or independent postsecondary, degree-granting institution.

R. “Felonies” are defined as crimes classified under State statute (Section 16-1-10) for which the punishment in federal or state law and typically requires imprisonment for more than one year.

S. “Fifth year” is defined as the ninth or tenth consecutive term of undergraduate coursework in an approved five-year bachelor’s program. The fifth year is based on the student’s date of initial college enrollment after graduation from high school.

T. “First/freshman year” is defined as the first or second consecutive term of undergraduate coursework following high school graduation.

U. “For graduation purposes” is defined as any grade or credit hour that the home institution requires in accordance with their policies and procedures for graduation of the student, including electives and additional coursework.

V. “Fourth year” is defined as the seventh or eighth consecutive term of undergraduate coursework. The fourth year is based on the student’s date of initial college enrollment after graduation from high school.

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W. “Full-time student” shall mean a student who has matriculated into a program of study leading to the first year certificate program, first two-year diploma program, first associate degree, first bachelor’s degree, first approved five-year bachelor’s degree or a program of study that is structured so as not to require a bachelor’s degree and leads to a graduate degree and who enrolls full-time, usually fifteen credit hours for the fall and fifteen credit hours for the spring term. In order for the student to be eligible for Scholarship disbursement, the student must be enrolled full-time at the home institution as stipulated by Title IV Regulations, except that credit hours may not include remedial coursework or continuing education coursework. Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

X. “Gift aid” is defined as scholarships and grants that do not nor will not under any circumstance require repayment, and excludes any self-help aid such as student loans and work-study.

Y. “Home institution” is defined as the independent or public institution where the student is currently enrolled as a full-time, degree-seeking student and may be eligible for financial aid at the same institution.

Z. “Independent institutions” are defined, for the purposes of the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement Programs, as those two-year and four-year institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that an “independent institution of higher learning means any independent eleemosynary junior or senior college in South Carolina whose major campus and headquarters are located within South Carolina and which is accredited by the Southern Association of Colleges and Schools; or an independent bachelor’s level institution which was incorporated in its original charter in 1962, was granted a license to operate in 1997 by the Commission on Higher Education, has continued to maintain a campus in South Carolina, and is accredited by the Southern Association of Colleges and Schools. Institutions whose sole purpose is religious or theological training or the granting of professional degrees do not meet the definition of ‘public or independent institutions’ for purpose of this charter”. Two-year independent institutions are not eligible to participate in the Palmetto Fellows Scholarship Program.

AA. “Ineligible degree program” is defined for the purposes of the Palmetto Fellows Scholarship Enhancement as any degree program that is not on the Commission’s posted list of eligible degree programs.

BB. “Late awards” is defined as a period determined by CHE for high school seniors to apply for the Palmetto Fellows Scholarship. Application must be made through the students’ high school. This period is generally from May through June of the academic year.

CC. “Lawful Presence” is defined as individuals who are US citizens, permanent residents, or non-US citizens and non-permanent residents who are legally present in the US. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien’s immigration status with the federal government pursuant to 8 USC Section 1373(c). Only those individuals whose lawful presence in the US has been verified prior to initial college enrollment may receive the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.

DD. “Military mobilization” is defined as a situation in which the U.S. Department of Defense orders service members to active duty away from their normal duty assignment during a time of war or national emergency. Service members include: 1) active duty and reserve members in the Army, Navy, Air Force, Marine Corps and Coast Guard, and; 2) members of the Army and Air National Guard.

EE. “Misdemeanor offenses” are defined as crimes classified under State statute (Section 16-1-100), less serious than felonies, and are typically punishable by fine or imprisonment for less than one year. A complete listing is located under Title 16 of State statute. Examples of alcohol and/or drug-related misdemeanor offenses in South Carolina include, but are not limited to, possession of alcohol while under the age of 21, possession of marijuana/illegal drugs, open container, transfer of alcohol to persons under 21, providing false information as to age (fake identification), etc.

FF. “Multi-handicapped student” shall be defined as a student who, in addition to being visually or hearing impaired, has at least one additional disabling condition that qualifies the student to receive specialized postsecondary education.

GG. “Palmetto Fellow” is defined as a student awarded the Palmetto Fellows Scholarship during his/her senior year of high school and continues to meet all eligibility requirements to receive the Palmetto Fellows Scholarship. A Palmetto Fellow who is not awarded any Palmetto Fellows Scholarship funds due to the cost of attendance being met by other sources of financial aid will still be classified as a Palmetto Fellow.

HH. “Program of study that is structured so as not to require a bachelor’s degree” shall be defined as a program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, which will be the student’s first academic degree awarded, as defined by the U.S. Department of Education. Students are eligible for a maximum of eight terms as long as all other eligibility criteria are met and the program is approved by the Commission on Higher Education. Students must maintain their undergraduate status each academic term, with the exception of students enrolled in the following programs: 1) Master of Science in Physician Assistant Studies at the Medical University of South Carolina; 2) Doctor of Pharmacy at the Medical University of South Carolina; 3) Doctor of Pharmacy at the University of South Carolina; and 4) Doctor of Pharmacy at Presbyterian College. Students who have been awarded a bachelor’s or graduate degree are not eligible for funding. All programs must be approved by CHE for the purposes of enhancement eligibility.

II. “Public institutions” are defined, for the purposes of the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement Programs, as those two-year and four-year institutions of higher learning as defined in Chapter 103 of Title 59 of the 1976 Code, which stipulates “public higher education shall mean any state supported postsecondary educational institution and shall include technical and comprehensive educational institutions.”

JJ. “Reapplication student” is defined as a student who applied for and was offered the Palmetto Fellows Scholarship as a senior in high school, but declined the award to take a Gap year or attend an out-of-state, four-year institution. Students taking a Gap year (see section 62-310.SS.) must enroll in an eligible South Carolina institution no later than the fall term one year immediately following high school graduation and make a request to CHE for reapplication for the Palmetto Fellows Scholarship. During the Gap year, the student cannot attend any institution of higher education or earn any college credit hours or they forfeit their Palmetto Fellows Scholarship. If the student was offered the Palmetto Fellows Scholarship as a senior in high school, but declined the award to attend an out-of-state institution at any time during the eight eligible terms immediately following high school graduation, after attending an out-of-state four-year institution, the student must return to South Carolina, enroll in an eligible South Carolina four-year institution, and make a request to CHE for reapplication for the Palmetto Fellows Scholarship.

KK. “Remedial coursework” shall be defined as sub-collegiate level preparatory courses in English, mathematics, reading or any other course deemed remedial by the institution where the course is taken.

LL. “Second year” is defined as the third or fourth consecutive term of full-time, undergraduate coursework. The second year is based on the student’s date of initial college enrollment after graduation from high school.

MM. “South Carolina resident” is defined as an individual who satisfies the requirements of residency in accordance with the state of South Carolina’s Statute for Tuition and Fees, Section 59-112-10, and all related guidelines and regulations promulgated by the Commission on Higher Education as determined by the institutional residency officer each academic year. A student must be considered a South Carolina resident at the time of high school graduation, and at the time of initial college enrollment, in order to receive a Palmetto Fellows Scholarship.

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NN. “Satisfactory academic progress in a declared major” is defined for the purposes of the Scholarship Enhancement as the progress required by the institution and academic department in which the student is enrolled as a full-time, degree-seeking student. Students must meet all requirements for satisfactory academic progress toward degree completion in their declared major as established by the policies of both the institution and the declared major in which the student is enrolled to meet the requirements of satisfactory academic progress.

OO. “Substantially deviates” shall be defined, for the purposes of reviewing out-of-state preparatory high school grading scales, as being less than equivalent to the current South Carolina Uniform Grading Policy.

PP. “Transfer student” is defined, for the purposes of the Program, as a student who has changed full-time enrollment from one eligible independent or public institution to another eligible independent or public institution.

QQ. “Transient student” is defined as a student enrolled in a non-matriculated status, which means he/she is granted temporary admission to earn credit hours that will transfer back to his/her home institution toward a degree. A transient student is not eligible to receive the Palmetto Fellows Scholarship or the Scholarship Enhancement unless the student is participating in a program that is both approved and accepted as full-time transfer credit by the home institution.

RR. “Third year” is defined as the fifth or sixth consecutive term of undergraduate coursework. The third year is based on the student’s date of initial college enrollment after graduation from high school.

SS. “Gap Year” is defined as a period of time immediately following high school graduation, including a semester or academic year (Fall and Spring semesters) taken by the student as a break between high school graduation and the date of initial college enrollment. The Gap year must be taken immediately following high school graduation and does not constitute a break in enrollment.

### 62-315. Initial Eligibility for Palmetto Fellows Scholarship.

A. In order to qualify for consideration for a Palmetto Fellows Scholarship, a student must:

1. Meet the eligibility criteria stipulated under the “Palmetto Fellows Scholarship Application” Section;
2. Be enrolled as a senior in an eligible high school;
3. Be classified as a South Carolina resident at the time of college enrollment;
4. Be a U.S. citizen or a lawful permanent resident that meets the definition of an eligible non-citizen under State Residency Statutes whose lawful presence in the US has been verified at the time of enrollment at the institution. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien’s immigration status with the federal government pursuant to 8 USC Section 1373(c). A student must be a legal permanent resident of the United States before being considered to be a South Carolina resident;
5. Be seriously considering attending, have applied, or have been accepted for admission to an eligible two-year or four-year degree-granting independent or public institution in South Carolina as a first-time, full-time, degree-seeking student; and
6. Certify that he/she has never been adjudicated delinquent, convicted or pled guilty or *nolo contendere* to any felonies and any second or subsequent alcohol, or drug related offenses under the laws of this or any other state or under the laws of the United States by submitting a signed affidavit each academic year to the home institution testifying to the fact, except that a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* of a second or subsequent alcohol or drug related misdemeanor

offense is only ineligible the next academic year of enrollment in an eligible independent or public institution after the date of the adjudication, conviction or plea. If the adjudication, conviction, or plea occurs during the academic year after the student has already submitted a signed affidavit to the home institution, the student will continue to be eligible for the remainder of that academic year. However, the student will be ineligible the following academic year of enrollment. If a student completes a pretrial intervention program and subsequently has his/her record expunged, the conviction will not affect the student's eligibility;

7. Submit the official Palmetto Fellows Scholarship Application by the established deadline(s) and comply with all the directions contained therein.

B. The high schools shall ensure that all students meeting the eligibility criteria are given the opportunity to be included in the applicant pool.

C. A student who graduates immediately after the high school sophomore year is eligible to apply for the Palmetto Fellows Scholarship, providing that the student meets all eligibility requirements as described in the "Initial Eligibility" Section and providing that the student is entering an eligible independent or public four-year institution no later than the fall term one year immediately following high school graduation.

D. A student who graduates in December/January of the high school senior year (considered an early graduate) is eligible to apply for the Palmetto Fellows Scholarship after the completion of the junior year but prior to graduating high school, provided that the student meets all eligibility requirements as described in the "Initial Eligibility" Section and provided that the student is entering an eligible independent or public four-year institution no later than the Spring term one year immediately following high school graduation. Early graduates must be certified by the high school principal that they have met the South Carolina graduation requirements. Students who graduate high school mid-year are unable to use rank as an eligibility criterion. The South Carolina UGP GPA, as well as the high school graduation date, must be printed on the official final high school transcript. Students must enroll full-time continuously at a four-year institution no later than the Spring term one year immediately upon high school graduation. Early graduates who enroll mid-year (spring term) and are awarded the Palmetto Fellows Scholarship through the Early Graduation process will officially begin their initial college enrollment. In order to receive the Palmetto Fellows Scholarship the next academic year for a student who enrolls mid-year, the student must earn a minimum of fifteen credit hours and a 3.0 cumulative institutional GPA by the end of the academic year.

E. Students cannot earn eligibility for the Palmetto Fellows Scholarship after high school graduation. All students must apply and be awarded during the high school senior year.

F. Students receiving the Palmetto Fellows Scholarship are not eligible for the LIFE Scholarship, SC HOPE Scholarship or Lottery Tuition Assistance within the same academic year.

G. Any student who attempts to obtain or obtains the Palmetto Fellows Scholarship through means of a willfully false statement or failure to reveal any material fact, condition or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the Palmetto Fellows Scholarship.

#### 62-318. Eligibility for Palmetto Fellows Scholarship Enhancement.

A. To be eligible for the Palmetto Fellows Scholarship Enhancement each academic year, a student must be:

1. A Palmetto Fellow at the time the Scholarship Enhancement is disbursed;
2. Enrolled full-time, degree-seeking in a declared major in an eligible degree program;
3. Making satisfactory academic progress toward completion of his/her declared major; and



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4. Enrolled in the second year, third year, fourth year, or fifth year (if enrolled in a Commission approved five-year bachelor's degree) at an eligible four-year independent or public institution.

B. All students not majoring in education-related disciplines must successfully complete a total of at least fourteen credit hours of instruction in mathematics or life and physical science courses within an approved major, in any combination, by the end of the student's first year of enrollment in college (based on initial date of college enrollment). For the purpose of meeting the fourteen credit hour requirement at the end of the student's first year, exempted credit hours (AP, CLEP, IB, etc.), credit hours earned while in high school (dual enrollment, credit hours earned during the summer session immediately prior to the student's date of initial college enrollment, Pass/Fail courses with a grade of "Pass" (only), International Baccalaureate (IB) courses and Advanced Placement (AP) courses in mathematics, life and physical sciences and accounting, taken in high school in which the student scored a three or more on the advanced placement test and received college credit may be used. However, remedial coursework and continuing education coursework cannot be used to meet the fourteen credit hour requirement.

C. Students who initially enroll in college mid-year (i.e., spring term) as a first year student and meet the requirements under Section 62-318 may be eligible to receive a Palmetto Fellows Scholarship Enhancement at the beginning of the spring term of the next academic year (i.e., beginning with the third consecutive term of full-time enrollment based on initial date of college enrollment). A student who initially enrolls mid-year (i.e., spring term) must earn a minimum of 15 credit hours and a 3.0 cumulative institutional GPA to be awarded a Palmetto Fellows Scholarship the following academic year. A student must earn a 3.0 cumulative institutional GPA and a minimum of 30 credit hours each subsequent year of enrollment to receive a Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.

D. For the 2024-25 academic year, a resident student who is at least in the second year of attendance, based on initial college enrollment, at an eligible four-year public or independent institution of higher learning in this State, who is majoring in science, mathematics, accounting, or an education program that leads to certification as defined by the Commission on Higher Education, and who is receiving a Palmetto Fellows Scholarship for the current year, shall receive an additional Palmetto Fellows Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed two thousand five hundred dollars each year for no more than three additional years of instruction, including their sophomore year, if enrolled in a four-year degree program, or for not more than four additional years of instruction, including their sophomore year, if enrolled in an approved five-year degree program or a 3 plus 2 program. To receive the additional Palmetto Fellows Scholarship stipend each year, the student must receive the underlying Palmetto Fellows Scholarship for that year and must be making acceptable progress each year toward receiving a degree in their education major.

E. All education majors receiving the enhancement/stipend based on their status as an education major must enter into a contractual agreement, including a default provision, that stipulates that the stipend recipient shall upon graduation work in a South Carolina public school for at least one school year for every year the stipend is received. A third party may be used for purposes of processing the contractual agreement.

F. Any student who attempts to obtain or obtains the Palmetto Fellows Scholarship Enhancement through means of a willfully false statement or failure to reveal any material fact, condition or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the Palmetto Fellows Scholarship Enhancement.

G. The Commission on Higher Education shall annually communicate with high school guidance counselors regarding the list of qualifying majors in this section.

### 62-320. Palmetto Fellows Scholarship Application.

A. The Commission on Higher Education will send information regarding the application process to all South Carolina high schools, home school associations and district superintendents. High schools and/or home school

associations that do not receive information regarding the application process from the Commission on Higher Education by the beginning of each application process must contact the Commission for information. It is the sole responsibility of the high schools, home schools, home school associations, and district superintendents to contact CHE regarding the Palmetto Fellows Scholarship program including the application process. High school officials will identify students who meet the specified eligibility criteria by each established deadline. High school officials must submit applications (both electronic and paper documentation) no later than the established deadline(s) along with the appropriate signatures, official transcripts and test score verification to the Commission on Higher Education. High school officials must certify each eligible applicant's signature form. Students who are enrolled at out-of-state high schools are personally responsible for contacting the Commission on Higher Education about the application process and must adhere to the same established deadline(s).

B. The high schools and home school associations must submit a list to the Commission on Higher Education indicating the names of all students who meet the eligibility criteria at their high school. The list should indicate whether the student is submitting a completed application or declining the opportunity to apply. If the student declines the opportunity to apply, the high school will submit a form for each of these students, signed by both the student and the parent/guardian and indicating the reason(s) for not submitting an application. Students who decline to apply for the Scholarship forfeit any future eligibility under this Program.

C. Applications for early awards must be submitted to the Commission on Higher Education for the Palmetto Fellows Scholarship by the date established each academic year. Students must meet one of the following set of academic criteria in order to be eligible to apply for the early awards (students cannot use the early awards criteria to apply during the late awards):

1. Score at least 1200 on the SAT or an equivalent ACT score as determined by the Commission through the test administration date as determined by CHE of the senior year; earn a minimum 3.50 cumulative GPA on the current South Carolina Uniform Grading Policy (UGP) at the end of the junior year; and rank in the top six percent of the class at the end of either the sophomore or the junior year; or

2. The alternate criteria of a score at least 1400 on the SAT or an equivalent ACT score as determined by the Commission through the test administration date as determined by CHE of the senior year and earn a minimum 4.00 cumulative GPA on the UGP at the end of the junior year, without regard to class rank.

3. High schools or home school associations that do not rank as an official policy; or high schools whose grading policy deviates from the current South Carolina Uniform Grading Policy and do not convert the graduating class grades to the current South Carolina UGP to determine class rank, must use the alternate criteria of meeting the academic requirements for the Palmetto Fellow Scholarship.

4. High schools or home school associations shall not use ranking for the sole purpose of obtaining eligibility for the state scholarships.

D. Applications for late awards must be submitted to the Commission on Higher Education for the Palmetto Fellows Scholarship by the date established in June each academic year. Students must meet one of the following set of academic criteria in order to be eligible to apply for the late awards:

1. Score at least 1200 on the SAT or an equivalent ACT score as determined by the Commission through the test administration date as determined by CHE of the senior year; earn a minimum 3.50 cumulative GPA on the UGP at the end of the senior year; and rank in the top six percent of the class at the end of the sophomore, junior or senior year; or

2. Score at least 1400 on the SAT or an equivalent ACT score as determined by the Commission through the test administration date as determined by CHE of the senior year and earn a minimum 4.00 cumulative GPA on the UGP at the end of the senior year, without regard to class rank.

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3. High schools or home school associations that do not rank as a policy; or high schools whose grading policy deviates from the current South Carolina Uniform Grading Policy and that do not convert the graduating class grades to the current South Carolina UGP to determine class rank, must use the alternate criteria of meeting the academic requirements for the Palmetto Fellow Scholarship.

4. High schools or home school associations shall not use ranking for the sole purpose of obtaining eligibility for the state scholarships.

E. Students must have official verification that they earned the requisite score on the SAT or an equivalent ACT score. In order to determine the minimum composite score for the SAT, students must use the highest Math score combined with the highest Evidence-Based Reading and Writing score. However, students cannot use the Essay subsection score to meet the minimum SAT score requirement. In order to determine the minimum composite score for the ACT, students must use the highest English score combined with the highest Math score, Reading score and Science score.

F. Grade point averages must be based on the current South Carolina Uniform Grading Policy, reported with at least two decimal places, and may not be rounded up. The South Carolina UGP GPA and class rank (if school/association officially ranks as a policy) must be printed on an official final end of year high school transcript, which must also include a uniform date of calculation as determined by the Commission on Higher Education. The graduation date must also be printed on the final end of senior year high school transcript. No coursework completed after the date of uniform calculation can be included in the end of the year GPA. Student must meet the scholarship eligibility criteria within four years of high school coursework.

G. Class rank must be based on the South Carolina Uniform Grading Policy using diploma candidates only. Class rank is determined at the end of the sophomore, junior and senior years (not the beginning of the next school year) before including any summer school coursework or including any students who transfer into your high school after the school year ended in May/June. Students cannot be removed from the class because they did not meet the eligibility criteria to apply, declined to apply, are not residents of the State, do not meet citizenship requirements, plan to attend college out-of-state, etc. The class rank information must include all students who attended your high school that school year. Only one student may occupy each place in class rank. The rank policy and rank policy information must be available to parents, students, colleges, and universities, and the Commission on Higher Education in publication form to include a school's website, student/parent handbook, and/or school profile. This language must include the ranking policy in place at the school/association. The ranking policy should be consistent in all places where the rank policy is published and is the same information disseminated to parents, students, colleges/universities, and the Commission. The South Carolina UGP GPA and class rank (if school/association officially ranks as a policy) must be printed on an official final end of year high school transcript, which must also include a uniform date of calculation as determined by the Commission on Higher Education. The graduation date must also be printed on the final end of senior year high school transcript.

H. The number of students included in the top six percent of the class will be the next whole number if the top six percent is not already a whole number. For example, a class size of 185 students would include the top twelve students since 11.1 rounds up to twelve. For those high schools that officially rank as a policy (see section 62-320.G.) with fewer than twenty students in the class, the top two students (students ranked as number one and two) shall be considered for the Scholarship regardless of whether they rank in the top six percent of the class. These students must meet all other eligibility criteria.

I. In order to apply for the Palmetto Fellows Scholarship using rank as one of the eligibility criteria, home school students must be a member of an approved home school program (as defined in relevant State Statute) that provides an official class rank for their members. All high schools (see section 62-310.N.) and home school associations must submit a rank report on official school/association letterhead that includes the class rank and GPA based on the current South Carolina Uniform Grading Policy for all students in the applicant's class. If a student is unable to obtain rank verification, he/she may also be eligible to apply using the alternative criteria of

scoring at least 1400 on the SAT (or an equivalent ACT score as determined by the Commission ) and earning a minimum 4.00 cumulative GPA on the South Carolina UGP, without regard to class rank. These students must meet all other eligibility criteria.

J. For schools or home school associations that do not rank as an official policy, students must use the alternate criteria to meet eligibility requirements for the Palmetto Fellows Scholarship.

K. For the purposes of meeting the rank criterion, the existing high school rank of a South Carolina resident attending an out-of-state high school may be used, provided it is calculated pursuant to a state-approved, standardized grading scale at the respective out-of-state high school. If the Commission on Higher Education determines that a state-approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Scale, the state-approved, standardized grading scale shall not be used to meet the eligibility requirements for the Palmetto Fellows Scholarship. The school counselor from the out-of-state preparatory school also has the option of converting the cumulative GPAs of all students in the applicant's class to the current South Carolina UGP to determine if the student ranks within the top six percent of the class and must provide a ranking report that identifies all students in the applicant's class and their respective GPA's based on the South Carolina UGP. When converting scores to the South Carolina UGP, weighting must adhere to the South Carolina UGP (i.e. honors no more than .50 and AP/IB no more than 1.0). In addition, scores/grades must correspond to the South Carolina UGP. For example, if a student earned a 90 in an honors class, the conversion of the scores/grades must be equivalent to the points assigned according to the current South Carolina UGP. To be considered equivalent, the out-of-state school's grading scale must adhere to the following minimum requirements:

1. Must include all courses carrying Carnegie units, including units earned at the middle school and high school level;

2. To be equivalent to an "A" letter grade, the numerical average must be  $\geq 90$ ; to be equivalent to a "B" letter grade the numerical average must be between 80 and 89; to be equivalent to a "C" letter grade the numerical average must be between 70 and 79; to be equivalent to a "D" letter grade the numerical average must be between 60 and 69; and to be equivalent to a "F" letter grade the numerical average must be between 51 and 59 (if a course with a numerical average of  $< 51$  is considered passing by the high school the student earned the grade, then a 65 numerical average should be given);

3. Cannot add more than one half (.50) additional quality point for honors courses; cannot add more than one additional quality point for dual enrollment (DE) courses, Advanced Placement (AP) courses, and standard level International Baccalaureate (IB) courses; and, cannot add more than two additional quality points for higher level IB courses;

4. Must classify all other courses as College Preparatory if they are not already classified as honors, DE, AP or IB. For a class to be classified as honors, the course must be in English, mathematics, science or social studies or be the third/fourth level for all other content areas; and

5. If no numerical average is available, all letter grades must be converted to the equivalent numerical average based on the following: all "A" letter grades must be converted to a 95 numerical average, all "B" letter grades must be converted to a 85 numerical average, all "C" letter grades must be converted to a 75 numerical average, all "D" letter grades must be converted to a 65 numerical average, and all "F" letter grades must be converted a 50 numerical average.

L. Students who attend out-of-state preparatory high school may also be eligible to apply by using the alternative criteria of scoring at least 1400 on the SAT (or an equivalent ACT score as determined by the Commission ) and earning a minimum 4.00 cumulative GPA on the current South Carolina Uniform Grading Policy. The student's school counselor must convert the student's grades to the UGP to determine if the student

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meets the GPA requirement. These students must meet all other eligibility criteria, including South Carolina residency requirements.

M. Students submitted for the late award will need to make arrangements for tuition and fee payments as a student will not be notified of their PFS status in enough time to meet any institutionally established payment deadlines.

### 62-325. Palmetto Fellows Scholarship Selection Process.

A. The Commission on Higher Education will notify students of their selection as a Palmetto Fellow along with the terms and conditions of the award.

B. Students who have met the academic requirements of the Scholarship must return a form to the Commission that designates an eligible two-year or four-year independent or public institution in which they plan to enroll by the date established by the Commission on Higher Education. The Palmetto Fellows Scholarship will only be awarded to those students who have a lawful presence in the United States and have been identified as a South Carolina resident at the time of initial college enrollment.

C. Visually impaired, hearing impaired or multi-handicapped students who qualify for the Scholarship may use the Palmetto Fellows Scholarship to attend a two-year or four-year out-of-state institution that specializes in educating students with their impairment upon receiving prior approval from the Commission on Higher Education. The Commission on Higher Education shall make the final decision whether an out-of-state institution specializes in the postsecondary education of visually impaired, hearing impaired or multi-handicapped students.

D. The Commission on Higher Education shall ensure that there is equitable minority participation in the Program.

### 62-330. Policies and Procedures for Awarding the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.

A. The institution will identify award amounts, which cannot exceed:

1. \$6,700 the first/freshman year and \$7,500 for the second year, third year, fourth year and fifth year (if applicable) for the Palmetto Fellows Scholarship; Eligible Palmetto Fellows may prorate their award amount for the term of graduation.

2. \$2,500 for the second year, third year, fourth year and fifth year (if applicable) for the Palmetto Fellows Scholarship Enhancement if enrolled in a eligible four-year degree program or for not more than four years of instruction if enrolled in an eligible approved five-year degree program. Eligible Palmetto Fellows may prorate their award amount for the term of graduation.

3. For mid-year initial college enrollment (i.e. a student who starts college in the spring term), a student may receive a maximum of \$3,350 for the spring term. Beginning the second academic year (i.e. the fall term) a student may receive up to \$7,500 for the second year, third year, fourth year and fifth academic year (if applicable) for the Palmetto Fellows Scholarship; Eligible Palmetto Fellows may prorate their award amount for the term of graduation.

B. Half shall be awarded during the fall term and half during the spring term. Palmetto Fellows Scholarships and Palmetto Fellows Scholarship Enhancements are to be used only toward payment for cost-of-attendance as established by Title IV Regulations with modifications set forth in D below for the academic year the award is made at the designated independent or public institution. The maximum amount awarded shall not exceed the cost-of-attendance as established by Title IV Regulations for any academic year. During the final term of

attendance, the institution may prorate the Palmetto Fellow Scholarship and the Palmetto Fellows Scholarship Enhancement award amount, for the number of credit hours attempted for the current term of attendance, which must be the term of graduation for the student. Proration will be based on 12 credit hours.

C. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year cannot be awarded the Palmetto Fellows Scholarship Enhancement until the next academic year. Additionally, students who change their major from an eligible degree program to an ineligible degree program during the same academic year will retain their Palmetto Fellows Scholarship Enhancement eligibility for the remainder of the current academic year.

D. Charges for room and board are to be limited as follows:

1. Room charges shall not exceed the average cost of on-campus residential housing; and
2. Board charges shall not exceed the cost of the least expensive campus meal plan that includes 21 meals per week.

E. In determining the amount awarded for the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement, all other sources of gift aid, including federal, State, private and institutional funds, must be applied to the unmet cost-of-attendance before calculating the Scholarship and Enhancement amounts and making the award. Adjustments to the financial aid package will be made to the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement in accordance with prescribed Title IV regulations in order to prevent an over-award.

F. Although a student may be named a Palmetto Fellow, the student may not receive a monetary award, if the award when combined with all other sources of gift aid would cause the student to receive financial assistance in excess of the student's cost-of-attendance as defined by Title IV regulations and the guidelines contained herein.

G. Eligible two-year and four-year independent and public institutions will notify students of their award along with the terms and conditions.

H. Effective Fall 2008, Section 59-101-430 (A), Chapter 101, Title 59 of the 1976 Code states that unlawful aliens are prohibited from attending South Carolina Public institutions of higher learning. This does apply to students who are currently enrolled, as well as new enrollees. In accordance of this law, institutions must institute a process that verifies an individual's lawful presence in the United States. This process must verify any alien's immigration status with the federal government. Students receiving the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement must be verified. Any student that is not verified and documented by the institution will not receive the Scholarship.

I. All eligible independent and public institutions that participate in the program must verify the lawful presence in the US of any student who receives a Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement prior to awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

J. The institution must retain annual paper or electronic documentation for each award to include at a minimum:

1. Institutional Student Information Record (ISIR) or affidavit documenting that the student is not in default or does not owe a refund on any state or federal financial aid

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2. Affidavit documenting that the student has never been convicted of any felonies and has not been convicted of any second or subsequent alcohol/drug-related misdemeanor offense within the past academic year as stated under “Initial Eligibility” and “Duration and Renewal of Awards” Sections

3. Award notification

4. Institutional disbursements to student

5. Verification student is not in default and does not owe a refund or repayment

6. Student’s residency status and citizenship status

7. Enrollment status and degree-seeking status

8. Verification of cumulative GPA and annual credit hours for renewal purposes

9. Verification from the institutional Disability Services Provider of student’s disability and approval of reduced course-load requirement (if appropriate)

10. Military mobilization orders (if appropriate)

11. Verification student met fourteen credit hour requirement at the end of the first year of college enrollment for the 2007-08 freshman class and thereafter (Palmetto Fellows Scholarship Enhancement purposes only)

12. Verification from academic department of enrollment in a declared major in an eligible degree program (Palmetto Fellows Scholarship Enhancement purposes only).

13. Verification from the institution that lawful presence in the US, and has been verified.

14. Collect certification from education majors receiving enhancement/stipend monies of their completed contractual work agreement for the stipend.

K. It is the institution’s responsibility to ensure that only eligible students receive the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.

L. The student shall be required to provide a state recognized unique identifier in order for the institution to award, disburse, and/or transfer the student’s state scholarship and/or grant to an eligible institution.

### 62-335. Duration and Renewal of Awards.

A. The Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement where applicable shall be initially awarded for one academic year. The institution shall adjust the amount of the Scholarship and Enhancement awards during the academic year in the event of a change in the student’s eligibility.

B. Students selected as Palmetto Fellows must enter an eligible two-year or four-year independent or public institution no later than the fall term one year immediately following high school graduation. Students must be continuously enrolled at an eligible two-year or four-year institution. Students with a break in continuous full-time enrollment at a two-year or four-year institution will forfeit the scholarship.

C. A Palmetto Fellows Scholarship may be renewed annually for no more than a total of two terms towards a one-year certificate or diploma program, or four terms (based on the date of initial college enrollment) toward the first associate degree or two-year diploma program, or eight terms (based on the date of initial college

enrollment) toward the first bachelor's degree or a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree or for no more than a total of ten terms (based on the date of initial college enrollment) toward the first approved five-year bachelor's degree. The Palmetto Fellows Scholarship Enhancement may not be awarded for no more than a total of six terms (based on the date of initial college enrollment) toward the first bachelor's degree or a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree or for no more than a total of eight terms (based on the date of initial college enrollment) toward the first approved five-year bachelor's degree. Students who have already been awarded their first bachelor or graduate degree are not eligible to receive the Palmetto Fellows Scholarship or the Palmetto Fellows Scholarship Enhancement. During the final term of attendance, the institution may prorate the Palmetto Fellow Scholarship and the Palmetto Fellows Scholarship Enhancement award amount, for the number of credit hours attempted for the current term of attendance, which must be the term of graduation for the student. Proration will be based on 12 credit hours (see section 62-330.B).

D. The institution is responsible for obtaining institutional certification of each recipient's cumulative grade point average and annual credit hours for the purposes of determining eligibility for award renewal. For the Palmetto Fellows Scholarship Enhancement, the institution must also obtain verification from the academic department of enrollment in a declared major in an eligible degree program.

E. By the end of the spring term each academic year, the institution must notify all Palmetto Fellows who have not met the continued eligibility requirements for the next academic year. The notification should include information regarding the student's ability to attend summer school in order to meet the continued eligibility requirements.

F. The eligible two-year or four-year independent or public institution is responsible for reporting to the Commission on Higher Education credit hours earned at the home institution only. Transfer credit hours cannot be reported by the home institution.

G. In order to retain eligibility for the Palmetto Fellows Scholarship after the initial year, the student must meet the following continued eligibility requirements:

1. Enroll and be continuously enrolled at an eligible two-year or four-year public or independent institution as a full-time, degree-seeking student at the time of Scholarship disbursement;

2. Earn at least a 3.0 cumulative GPA at the home institution for graduation purposes by the end of each academic year;

3. Earn a minimum of thirty credit hours for graduation purposes by the end of each academic year. Exempted credit hours (such as AP, CLEP, etc.), credit hours earned before high school graduation, and credit hours earned the summer term immediately following high school graduation cannot be used to meet the annual credit hour requirement;

4. Certify each academic year that he/she has not defaulted and does not owe a refund or repayment on any federal or state financial aid. If a student has an Institutional Student Information Record (ISIR) or its equivalent on file, the ISIR information will be used to verify default status or refund/repayment owed. Students who have not completed the Free Application for Federal Student Aid (FAFSA) must have an affidavit on file to verify that he/she is not in default and does not owe a refund or repayment on any federal or state financial aid, including the state grants/scholarships, Pell Grant, Supplemental Educational Opportunity Grant, Federal Perkins or Stafford Loan; and

5. Certify each academic year that he/she has never been adjudicated delinquent, convicted or pled guilty or *nolo contendere* to any felonies and any second or subsequent alcohol/drug-related misdemeanor offenses under the laws of this or any other state or under the laws of the United States by submitting a signed affidavit to the home institution. However, a high school or college student who has been adjudicated delinquent,



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convicted, or pled guilty or *nolo contendere* of a second or subsequent alcohol or drug-related misdemeanor offense is only ineligible for the next academic year of enrollment at an eligible independent or public institution after the date of the adjudication, conviction or plea. If the adjudication, conviction or plea occurs during the academic year after the student has already submitted a signed affidavit to the institution, the student will continue to be eligible for the remainder of the academic year. However, the student will be ineligible for the Scholarship for the following academic year of enrollment. If a student completes a pretrial intervention program and his/her record is subsequently expunged, the charge will not affect Scholarship eligibility.

H. In order to retain eligibility for the Palmetto Fellows Scholarship Enhancement, a student must:

1. Be a Palmetto Fellow at the time the Scholarship Enhancement is disbursed;
2. Be enrolled and continuously enrolled at an eligible four-year public or independent institution as a full-time, degree-seeking student in a declared major in an eligible degree program;
3. Be making satisfactory academic progress toward completion of his/her declared major;
4. Be enrolled in the second year, third year, fourth year or fifth year (if enrolled in a Commission approved five-year bachelor's degree) at an eligible four-year independent or public institution; and
5. Successfully complete a total of at least fourteen credit hours of instruction in accounting, mathematics, or life and physical science courses within an approved major, in any combination by the end of the student's first year of enrollment in college (based on initial date of college enrollment). For the purpose of meeting the fourteen credit hour requirement at the end of the student's first year, exempted credit hours (AP, CLEP, IB, etc.), credit hours earned while in high school (dual enrollment), and credit hours earned during the summer session immediately prior to the student's date of initial college enrollment may be used. However, remedial coursework and continuing education coursework cannot be used to meet the fourteen credit hour requirement. Palmetto Fellows who were already enrolled in at least their second year in the 2007-2008 academic year only are not required to meet the fourteen credit hour requirement at the end of their first/freshman year.

I. Any student who attempts to obtain or obtains a Palmetto Fellows Scholarship or Palmetto Fellows Scholarship Enhancement through means of a willfully false statement or failure to reveal any material fact, condition, or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.

62-340. Transfer of or Reapplication for the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.

A. Palmetto Fellows enrolled at an eligible two-year or four-year independent or public institution may transfer to another two-year or four-year eligible independent or public institution in South Carolina upon obtaining prior approval from the Commission on Higher Education, by submitting a transfer form, which is available on the Commission's Web site.

B. A student who applied for and was offered the Palmetto Fellows Scholarship as a senior in high school, but declined the award to attend an out-of-state two-year or four-year institution no later than the fall term one year immediately following high school graduation or a student who attends an out-of-state institution at any time during the eight eligible terms, must reapply if they transfer to an eligible two-year or four-year independent or public institution in South Carolina. The reapplication form is available on the Commission's Web site.

C. Transfer students and reapplication students are only eligible to receive the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement for the remaining terms of eligibility (based on the date of initial college enrollment).

D. Transfer students and reapplication students must comply with all standards for continued eligibility as defined under the “Duration and Renewal of Awards” Section in order for their award to be eligible for transfer.

E. The eligible two-year or four-year independent or public institution is responsible for reviewing all Palmetto Fellows transferring to their institution to determine whether the students are eligible for the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.

F. The eligible two-year or four-year independent or public institution is responsible for reporting to the Commission on Higher Education credit hours earned at their institution only. Transfer credit hours cannot be reported by the home institution.

#### 62-345. Students with Disabilities.

A. Palmetto Fellows who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 must meet all eligibility requirements as defined in the “Initial Eligibility” Section, except for the full-time enrollment requirement, in order to be eligible to receive funding. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

B. For renewal, Palmetto Fellows who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must meet all renewal requirements as defined in the “Duration and Renewal of Awards” Section, except for a student not meeting the annual credit hour requirement who is approved by the Disability Services Provider at the home institution to be enrolled in less than full-time status or less than the required annual credit hours for that academic year. Each academic year for award renewal, students must earn the required number of hours approved by the institutional Disability Services Provider at the home institution and earn a minimum 3.0 cumulative grade point average at the home institution for graduation purposes. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

C. The institutional Disability Services Provider must provide written documentation to the Office of Financial Aid prior to each academic year verifying that the student is approved to be enrolled in less than full-time status or less than the required annual credit hours. It is the responsibility of transfer students and reapplication students to provide written documentation from the previous institutional Disability Services Provider.

D. Palmetto Fellows who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 are eligible to receive up to the maximum number of available terms and available funds.

#### 62-350. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs, or National or International Student Exchange Programs.

A. Students enrolled in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as full-time transfer credit are eligible to receive Palmetto Fellows Scholarship and Palmetto Fellow Scholarship Enhancement funds during the period in which the student is enrolled in such programs. Students will be required to meet the continued eligibility requirements.

B. Eligible students may use the appropriated portion of the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement funds for internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as full-time transfer credit. Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement funds must be paid directly to the student’s account at the home institution. The amount awarded cannot exceed the cost-of-attendance at the home institution or the cost-of-attendance at the host institution, whichever is less. The Commission on Higher Education will not transfer funds to the institutions where students will participate in internships, cooperative work programs, travel study programs, or

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National or International Student Exchange Programs. The home institution is responsible for funds according to the “Program Administration and Audits” Section.

C. Students who enroll in one academic term at the home institution and also enroll in an internship, cooperative work program, travel study program, or National or International Student Exchange Program that are approved by the home institution and that do not award full-time transfer credit during the same academic year must earn at least fifteen credit hours and a minimum 3.0 cumulative grade point average at the home institution for graduation purposes by the end of the academic year to be eligible for renewal the next academic year. The student may continue to be eligible for up to the maximum terms of eligibility based on the date of initial college enrollment (provided the student meets the continued eligibility requirements).

D. For students enrolling in an internship, cooperative work program, travel study program, or National or International Student Exchange Program that is approved by the home institution but does not award full-time transfer credit for the entire academic year, renewal for the next academic year will be based on the prior year’s eligibility. The student may continue to be eligible for up to the maximum terms of eligibility based on the date of initial college enrollment (provided the student meets the continued eligibility requirements).

E. Students enrolling in an internship, a cooperative work program, a travel study program, or National or International Student Exchange Program that are approved by the home institution during the academic year and did not use their entire eligibility for the Palmetto Fellows Scholarship or the Palmetto Fellows Scholarship Enhancement funds during this period shall be allowed to receive one term of Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on the date of initial college enrollment (provided the student meets the continued eligibility requirements). In order to receive the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement funds for the succeeding summer term, students must enroll in twelve credit hours at the home institution. In order to maintain eligibility for the next academic year for students who only attend summer school, the student must earn at least twelve credit hours by the end of the academic year. For students who enroll in summer school and one other term of the academic year, the student must earn a total of at least 27 credit hours by the end of the academic year. The student must meet all continued eligibility requirements, except for the completion of the annual credit hour requirement for the academic year.

F. The home institution will be responsible for obtaining official certification of the student’s cumulative grade point average and annual credit hours earned for purposes of determining eligibility for Scholarship and Enhancement renewal for the next academic year. For purposes of Enhancement eligibility, the home institution must also obtain certification from the academic department of enrollment in a declared major in an eligible degree program.

### 62-351. Military Mobilization.

A. Service members who are enrolled in college and are affected by military mobilizations will not be penalized for the term they are required to withdraw after the full refund period based on the institutional policies and procedures. Institutions are strongly encouraged to provide a full refund of required tuition, fees and other institutional charges or to provide a credit in a comparable amount against future charges for students who are forced to withdraw as a result of military mobilization. Additionally, the term(s) that the service member is mobilized will not count against the maximum terms of eligibility. The service member shall be allowed to receive the unused term(s) while mobilized during the succeeding summer term or at the end of the maximum terms of eligibility (provided the service member meets continued eligibility requirements). The service member must re-enroll in an eligible independent or public institution within twelve months upon their demobilization and provide official documentation to verify military deployment to the institutional Financial Aid Office upon re-enrollment. Reinstatement will be based upon the service member’s eligibility at the time he/she was mobilized. If the service member re-enrolls after the twelve month period, the service member must submit an Appeal Application to the Commission on Higher Education by the established deadline in order to be considered for reinstatement.

B. Service members who are enrolled in college and are mobilized for a minimum of one academic year may be eligible the next academic year, if they met the continued eligibility requirements at the end of the last academic year of attendance. Service members may continue to be eligible for up to the maximum terms of eligibility based on the date of initial college enrollment (provided the service member meets the continued eligibility requirements).

C. Service members who are enrolled in college and are mobilized for one academic term must complete at least fifteen credit hours and a minimum 3.0 cumulative grade point average at the home institution for graduation purposes by the end of the academic year to be eligible for renewal for the next academic year. Service members may continue to be eligible for up to the maximum terms of eligibility based on the date of initial college enrollment (provided the service member meets the continued eligibility requirements).

D. In order to receive the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement for summer school for any unused term(s), the service member must enroll in twelve credit hours during the succeeding summer term at the home institution. For service members who enroll in summer school and one other term of the academic year, the service member must earn a total of at least twenty-seven credit hours by the end of the academic year. In order to maintain eligibility for the next academic year for service members who only attend summer school, the member must earn at least twelve credit hours by the end of the academic year. The service member must meet all continued eligibility requirements, except for the completion of the annual credit hour requirement for the academic year.

E. The home institution will be responsible for obtaining verification of military mobilization status, cumulative grade point average and annual credit hours for the purpose of determining eligibility to renew the Palmetto Fellows Scholarship for the next academic year. For purposes of the Palmetto Fellows Scholarship Enhancement, the home institution must also obtain certification from the academic department of enrollment in a declared major in an eligible degree program.

#### 62-355. Appeals Procedures.

A. The Commission on Higher Education shall define the procedures for scholarship appeals.

B. A student who does not meet the continued eligibility criteria for renewal of the Palmetto Fellows Scholarship forfeits continued participation in the Program and may request an appeal based on extenuating circumstances.

C. A student is allowed to submit only one appeal each academic year.

D. A completed appeal's application must be filed with the Commission on Higher Education by the established deadline of the academic year the scholarship is requested. The student must provide a completed application for appeal, a letter requesting an appeal describing the extenuating circumstance, official transcripts from all prior institutions, and any other supporting documentation to substantiate the basis for the appeal. It is the responsibility of the student to ensure that all documents necessary to file an appeal are received at the Commission by the established deadline. Commission staff will not contact the student regarding missing or incomplete appeals documentation. Failure to submit a completed appeal's application by the required deadline(s) will result in forfeiture of the scholarship.

E. A student who fails to submit an appeal by the required deadline will result in forfeiture of the award.

F. The Palmetto Fellows Scholarship shall be suspended during the appeal period, but will be awarded retroactively if the appeal is granted.

G. Students cannot appeal solely on the loss of the Palmetto Fellows Scholarship Enhancement.

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H. The Appeals Committee's decision is final.

### 62-360. Institutional Disbursement of Funds.

A. The institution will identify award amounts, which cannot exceed:

1. \$6,700 the first/freshman year and \$7,500 for the second year, third year, fourth year and fifth year (if applicable) for the Palmetto Fellows Scholarship; Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

2. \$2,500 for the second year, third year, fourth year and fifth year (if applicable) for the Palmetto Fellows Scholarship Enhancement if enrolled in a eligible four-year degree program or for not more than four years of instruction if enrolled in an eligible approved five-year degree program. Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

3. For mid-year initial college enrollment (i.e. a student who starts college in the spring term), a student may receive a maximum of \$3,350 for the spring term. Beginning the second academic year (i.e. the fall term) a student may receive up to \$7,500 for the second year, third year, fourth year and fifth year (if applicable) for the Palmetto Fellows Scholarship; Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

B. Half shall be awarded during the fall term and half during the spring term. Funds cannot be disbursed during the summer or any interim sessions except for disbursements made in accordance with the requirements of the "Enrollment in Internships, Cooperative Work Programs, Travel Study Programs, or National or International Student Exchange Programs" or "Military Mobilization" Sections. Palmetto Fellows may not be funded for more than a total of eight terms of study toward the first bachelor's degree or a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree or for more than a total of ten terms of study toward the first approved five-year degree. Palmetto Fellows Scholarship Enhancements may not be funded for more than a total of six terms toward the first bachelor's degree or a program of study that is structures so as not to require a bachelor's degree or for no more than a total of eight terms toward the first-approved bachelor's degree.

C. The Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement cannot be applied to remedial coursework, continuing education coursework, a second bachelor's degree or to graduate coursework, unless the graduate coursework is required as part of a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree as defined in the "Definitions" Section or the student is enrolled in one of the following programs: 1) Master of Science in Physician Assistant Studies at the Medical University of South Carolina; 2) Doctor of Pharmacy at the Medical University of South Carolina; 3) Doctor of Pharmacy at the University of South Carolina; and 4) Doctor of Pharmacy at Presbyterian College. In the event of early graduation, the award is discontinued.

D. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year cannot be awarded the Palmetto Fellows Scholarship Enhancement until the next academic year. Additionally, students who change their major from an eligible degree program to an ineligible degree program during the same academic year will retain their Palmetto Fellows Scholarship Enhancement eligibility for the remainder of the current academic year.

E. The institution shall provide each Palmetto Fellow with an award notification for each academic year, which will contain the terms and conditions of the Scholarship and other financial aid awarded. Students will be notified of adjustments in financial aid due to changes in eligibility and/or over-award issues. The Commission on Higher Education, for documentation purposes, requires that each institution obtain verification of acceptance of the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement and terms for the awards.

F. After the last day to register for each term of the academic year, the institution will verify enrollment of each recipient as a South Carolina resident who is a full-time degree-seeking student.

G. The institution must submit a request for funds and/or return of funds by the established deadline each term. The Commission will disburse funds to eligible independent and public institutions to be placed in each eligible student's account. In addition, a listing of eligible recipients by identification number with the award amounts must be sent to the Commission on Higher Education by the established deadline each term. At this time, any unused funds must be returned to the Commission immediately.

H. The Commission will disburse awards to the eligible four-year independent and public institutions to be placed in each eligible student's account.

I. The student shall be required to provide a state recognized unique identifier in order for the institution to award, disburse, and/or transfer the student's state scholarship and/or grant to an eligible institution.

#### 62-365. Refunds and Repayments.

A. In the event a student who has been awarded the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement withdraws, is suspended from the institution, or drops below full-time status during any regular term of the academic year, institutions must reimburse the Program for the amount of the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement for the term in question pursuant to refund policies of the institution. Collection is the responsibility of the institution.

B. In the event a student withdraws or drops below full-time status after the institution's refund period and therefore must pay tuition and fees for full-time enrollment, the award may be retained by the student pursuant to the refund policies of the institution.

C. In the event a student who has been awarded the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement and has been identified as not being a South Carolina resident at any time, the institution must reimburse funds to CHE for the time period the student was no longer a South Carolina resident.

#### 62-370. Program Administration and Audits.

A. The South Carolina Commission on Higher Education shall be responsible for the oversight of functions (e.g., guidelines, policies, rules, regulations) relative to this Program with the eligible independent and public institutions. The Commission on Higher Education shall be responsible for the allocation of funds, promulgation of guidelines and regulation governing the Program, any audits, or other oversight as may be deemed necessary to monitor the expenditure of funds.

B. According to the Audit Policies and Procedures for Scholarship and Grant Programs Manual, all eligible independent and public institutions must abide by all Program policies, rules and regulations. Institutions also agree to maintain and provide all pertinent information, records, reports or any information as may be required or requested by the Commission on Higher Education or the General Assembly to ensure proper administration of the Program.

C. The Chief Executive Officer at each eligible independent and public institution shall identify to the Commission on Higher Education an institutional representative who is responsible for the operation of the Program on the campus and will serve as the contact person for the Program. The institutional representative will act as the student's fiscal agent to receive and deliver funds for use under the Program.

D. All eligible independent and public institutions that participate in the program must verify the lawful presence in the US of any student who receives a Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement prior to awarding the Scholarship to the student. When verifying the lawful presence

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of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

E. The participating institution shall identify to the Commission on Higher Education an institutional representative who will be responsible for determining residency and lawful presence classification for the purposes of awarding the Palmetto Fellows Scholarship.

F. Independent and public institutions of higher learning in this, or any other state in the U.S., are prohibited from using the Palmetto Fellows Scholarship in programs that promote financial aid incentives or packages. Any mention of the Palmetto Fellows Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Palmetto Fellows Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

G. All eligible independent and public institutions shall submit separate invoices for the purposes of enhancements, as determined by the Commission on Higher Education.

### 62-375. Suspension or Termination of Institutional Participation.

A. The Commission on Higher Education may review institutional administrative practices to determine compliance with pertinent statutes, guidelines, rules or regulations. If such a review determines that an institution has failed to comply with Program statutes, guidelines, rules or regulations, the Commission on Higher Education may suspend, terminate, or place certain conditions upon the institution's continued participation in the Program and require reimbursement to the Program for any funds lost or improperly awarded.

B. Upon receipt of evidence that an institution has failed to comply, the Commission on Higher Education shall notify the institution in writing of the nature of such allegations and conduct an audit.

C. If an audit indicates that a violation(s) may have occurred or are occurring at any eligible independent or public institution, the Commission on Higher Education shall secure immediate reimbursement from the institution in the event that any funds were expended out of compliance with the provisions of the Act, any relevant statutes, guidelines, rules, and regulations.

D. All eligible independent and public institutions that participate in the scholarship enhancement program shall report to CHE the recipients of each enhancement award, per term within the deadlines as determined by CHE. In reporting recipients of the enhancement, institutions shall distinguish recipients by their status in the eligible major, ensuring that education, accounting, math, and science majors are individually identified, in a format as determined by CHE.

### **Fiscal Impact Statement:**

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

### **Statement of Rationale:**

These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program.

Document No. 5320  
**DEPARTMENT OF INSURANCE**  
**CHAPTER 69**

Statutory Authority: 1976 Code Sections 1-23-10 et seq., 38-3-110(2), and 38-21-300

69-14. Insurance Holding Company Systems.

**Synopsis:**

The Department is proposing to make changes to Regulation 69-14 to implement a group capital calculation and liquidity stress test framework to provide the Department, as a solvency regulator, additional tools for conducting group-wide supervision. Changes will also establish receivership provisions to ensure the continuity of essential services and functions to an insurer in receivership by affiliated entities and further clarify ownership of data and records of the insurer. These amendments are proposed as part of an accreditation standard of the National Association of Insurance Commissioners and are necessary in order for the South Carolina Department of Insurance to maintain its accreditation.

The Notice of Drafting was published in the *State Register* on August 23, 2024.

**Instructions:**

Print the regulation as shown below.

**Text:**

69-14. Insurance Holding Company Systems.

Section I. Forms-General Requirements.

A. Forms A, B, C, D, E and F are intended to be guides in the preparation of the statements required by S. C. Code Sections 38-21-60, 38-21-70, 38-21-125, 38-21-140, 38-21-150, 38-21-225 and 38-21-250. They are not intended to be blank forms which are to be filled in. These statements filed shall contain the number and captions of all items, but the text of the items may be omitted provided the answers thereto are prepared in such a manner as to indicate clearly the scope and coverage of the items. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

B. One electronic filing for each statement (Forms A, B, C, D, E and F) including exhibits and all other papers and documents filed as a part thereof, shall be filed with the director or his designee. At least one of the copies shall be signed in the manner prescribed on the form. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the statement.

C. If an applicant requests a hearing on a consolidated basis under S.C. Code Section 38-21-90(C), in addition to filing the Form A with the director or his designee, the applicant shall file a copy of Form A with the National Association of Insurance Commissioners (NAIC) in electronic form.

D. Statements should be prepared electronically. Statements shall be easily readable and suitable for review and reproduction. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies. Statements shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value normally shown in foreign currency shall be converted into United States currency.



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### Section II. Forms-Incorporation by Reference, Summaries and Omissions.

A. Information required by any item of Form A, Form B, Form D, Form E or Form F may be incorporated by reference in answer or partial answer to any other item. Information contained in any financial statement, annual report, proxy statement, statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item of Form A, Form B, Form D, Form E or Form F provided such document is filed as an exhibit to the statement. Excerpts of documents may be filed as exhibits if the documents are extensive. Documents currently on file with the director or his designee which were filed within three years need not be attached as exhibits. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

B. Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the director or his designee which was filed within three years and may be qualified in its entirety by such reference. In any case where two or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, a copy of only one of such documents need be filed with a schedule identifying the omitted documents and setting forth the material details in which such documents differ from the documents a copy of which is filed.

### Section III. Forms-Information Unknown or Unavailable and Extension of Time to Furnish.

If it is impractical to furnish any required information, document or report at the time it is required to be filed, there shall be filed with the director or his designee a separate document:

A. identifying the information, document or report in question;

B. stating why the filing thereof at the time required is impractical; and

C. requesting an extension of time for filing the information, document or report to a specified date. The request for extension shall be deemed granted unless the director or his designee within sixty days after receipt thereof enters an order denying the request.

### Section IV. Forms-Additional Information and Exhibits.

In addition to the information expressly required to be included in Form A, Form B, Form C, Form D, Form E and Form F there shall be added such further material information, if any, as may be necessary to make the information contained therein not misleading. The person filing may also file such exhibits as it may desire in addition to those expressly required by the statement. Such exhibits shall be so marked as to indicate clearly the subject matter to which they refer. Changes to Forms A, B, C, D, E or F shall include on the top of the cover page the phrase: "Change No. (insert number) to" and shall indicate the date of the change and not the date of the original filing.

### Section V. Definitions.

A. "Executive officer" means chief executive officer, chief operating officer, chief financial officer, treasurer, secretary, controller, and any other individual performing functions corresponding to those performed by the foregoing officers under whatever title.

B. "Foreign insurer" shall include an alien insurer except where clearly noted otherwise.

C. “Ultimate controlling person” means that person which is not controlled by any other person.

D. Unless the context otherwise requires, other terms found in these regulations and in South Carolina Code Section 38-21-10 are used as defined in Section 38-21-10. Other nomenclature or terminology is defined according to Title 38 of the South Carolina Code, or industry usage if not defined by Title 38 of the South Carolina Code.

#### Section VI. Subsidiaries of Domestic Insurers.

The authority to invest in subsidiaries under South Carolina Code Section 38-21-30 is in addition to any authority to invest in subsidiaries which may be contained in any other provision of Title 38 of the Code.

#### Section VII. Acquisition of Control-Statement Filing.

A person required to file a statement pursuant to South Carolina Code Sections 38-21-60 and 38-21-70 shall furnish the required information on Form A, hereby made a part of this regulation. Such person shall also furnish the required information on Form E, hereby made a part of this regulation and described in Section X of this regulation.

#### Section VIII. Amendments to Form A.

The applicant shall promptly advise the Director of any changes in the information so furnished on Form A arising subsequent to the date upon which such information was furnished but prior to the Director’s disposition of the application.

#### Section IX. Acquisition of Section 38-21-60 Insurers.

A. If the person being acquired is deemed to be a “domestic insurer” solely because of the provisions of South Carolina Code Section 38-21-60, the name of the domestic insurer on the cover page should be indicated as follows: “ABC Insurance Company, a subsidiary of XYZ Holding Company”.

B. Where a Section 38-21-60 insurer is being acquired, references to “the insurer” contained in Form A shall refer to both the domestic subsidiary insurer and the person being acquired.

#### Section X. Pre-Acquisition Notification.

If a domestic insurer, including any person controlling a domestic insurer, is proposing a merger or acquisition pursuant to South Carolina Code Section 38-21-60, that person shall file a pre-acquisition notification form, Form E, which was developed pursuant to South Carolina Code Section 38-21-125(C)(2). Additionally, if a non-domiciliary insurer licensed to do business in this state is proposing a merger or acquisition pursuant to South Carolina Code Section 38-21-125, that person shall file a pre-acquisition notification form, Form E. No pre-acquisition notification form need be filed if the acquisition is beyond the scope of South Carolina Code Section 38-21-125 as set forth in South Carolina Code Section 38-21-125(B)(2). In addition to the information required by Form E, the Director may wish to require an expert opinion as to the competitive impact of the proposed acquisition.

#### Section XI. Annual Registration of Insurers-Statement Filing.

An insurer required to file an annual registration statement pursuant to South Carolina Code Sections 38-21-130 and 38-21-140 shall furnish the required information on Form B, hereby made a part of these regulations.

#### Section XII. Summary of Registration-Statement Filing.

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An insurer required to file an annual registration statement pursuant to Sections 38-21-130 and 38-21-140 is also required, under Section 38-21-150, to furnish information specified on Form C, hereby made a part of these regulations.

### Section XIII. Amendments to Form B.

A. An amendment to Form B shall be filed within fifteen (15) days after the end of any month in which there is a material change to the information provided in the annual registration statement.

B. Amendments shall be filed in the Form B format with only those items which are being amended reported. Each amendment shall include at the top of the cover page "Amendment No [insert number] to Form B for [insert year]" and shall indicate the date of the change and not the date of the original filing.

### Section XIV. Alternative and Consolidated Registrations.

A. Any authorized insurer may file a registration statement on behalf of any affiliated insurer or insurers which are required to register under Section 38-21-130. A registration statement may include information not required by law regarding any insurer in the insurance holding company system even if such insurer is not authorized to do business in this State. In lieu of filing a registration statement on Form B, the authorized insurer may file a copy of the registration statement or similar report which it is required to file in its state of domicile, provided:

1. the statement or report contains substantially similar information required to be furnished on Form B; and
2. the filing insurer is the principal insurance company in the insurance holding company system.

B. The question of whether the filing insurer is the principal insurance company in the insurance holding company system is a question of fact and an insurer filing a registration statement or report in lieu of Form B on behalf of an affiliated insurer, shall set forth a brief statement of facts which will substantiate the filing insurer's claim that it, in fact, is the principal insurer in the insurance holding company system.

C. With the prior approval of the Director or his Designee, an unauthorized insurer may follow any of the procedures which could be done by an authorized insurer under Subsection A, above.

D. Any authorized insurer may utilize the provisions of Sections 38-21-200 and 38-21-210 without obtaining prior approval of the director or his designee. The director or his designee, however, reserves the right to require individual filings if he deems such filings necessary in the interest of clarity, ease of administration or the public good.

### Section XV. Disclaimers of Affiliation and Termination of Registration.

A. A disclaimer of affiliation or a request for termination of registration claiming that a person does not, or will not upon the taking of some proposed action, control another person (hereinafter referred to as the "subject") shall contain the following information:

1. the number of authorized, issued and outstanding voting securities of the subject;
2. with respect to the person whose control is denied and all affiliates of such person, the number and percentage of shares of the subject's voting securities which are held of record or known to be beneficially owned, and the number of such shares concerning which there is a right to acquire, directly or indirectly;
3. all material relationships and bases for affiliation between the subject and the person whose control is denied and all affiliates of such person;

4. a statement explaining why such person should not be considered to control the subject.

B. A request for termination of registration shall be deemed to have been granted unless the Director, within thirty days after he receives the request, notifies the registrant otherwise.

Section XVI. Transactions Subject to Prior Notice-Notice Filing.

An insurer required to give notice of a proposed transaction pursuant to South Carolina Code Section 38-21-250 shall furnish the required information on Form D, hereby made a part of these regulations.

A. Agreements for cost sharing services and management services shall at a minimum and as applicable:

1. Identify the person providing services and the nature of such services;
2. Set forth the methods to allocate costs;
3. Require timely settlement, not less frequently than on a quarterly basis, and compliance with the requirements in the Accounting Practices and Procedures Manual;
4. Prohibit advancement of funds by the insurer to the affiliate except to pay for services defined in the agreement;
5. State that the insurer will maintain oversight for functions provided to the insurer by the affiliate and that the insurer will monitor services annually for quality assurance;
6. Define books and records of the insurer to include all books and records developed or maintained under or related to the agreement that are otherwise the property of the insurer, in whatever form maintained, including, but not limited to, claims and claim files, policyholder lists, application files, litigation files, premium records, rate books, underwriting manuals, personnel records, financial records or similar records within the possession, custody or control of the affiliate;
7. Specify that all books and records of the insurer are and remain the property of the insurer and are subject to control of the insurer;
  - (a) Are subject to control of the insurer;
  - (b) Are identifiable; and
  - (c) Are segregated from all other persons' records and data or are readily capable of segregation at no additional cost to the insurer;
8. State that all funds and invested assets of the insurer are the exclusive property of the insurer, held for the benefit of the insurer and are subject to the control of the insurer;
9. Include standards for termination of the agreement with and without cause;
10. Include provisions for indemnification of the insurer in the event of gross negligence or willful misconduct on the part of the affiliate providing the services and for any actions by the affiliate that violate provisions of the agreement required in subsections XVI 11 through 14 of this regulation;
11. Specify that, if the insurer is placed in receivership or seized by the director or his designee under the Insurers Rehabilitation and Liquidation Act:

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(a) all of the rights of the insurer under the agreement extend to the receiver or to the director or his designee;

(b) all books and records will immediately be made available to the receiver or the director or his designee and shall be turned over to the receiver or the director or his designee immediately upon the request of the receiver or of the director or his designee;

(c) A complete set of records and data of the insurer will immediately be made available to the receiver or the Director or his designee, shall be made available in a usable format and shall be turned over to the receiver or director or his designee immediately upon the receiver or the director or his designee's request, and the cost to transfer data to the receiver or the director or his designee shall be fair and reasonable; and

(d) The affiliated person(s) will make available all employees essential to the operations of the insurer and the services associated therewith for the immediate continued performance of the essential services ordered or directed by the receiver or director or his designee;

12. Specify that the affiliate has no automatic right to terminate the agreement if the insurer is placed into supervision, seizure, conservatorship or receivership pursuant to the Insurers Rehabilitation and Liquidation Act; and

13. Specify that the affiliate will provide the essential services for a minimum period of time [specified in the agreement] after termination of the agreement, if the insurer is placed into supervision, seizure, conservatorship or receivership pursuant to S.C. Code Ann. Title 38, Chapters 26 and 27, as ordered or directed by the receiver or director or his designee. Performance of the essential services will continue to be provided without regard to pre-receivership unpaid fees so long as the affiliate continues to receive timely payment for post-receivership services rendered, and unless released by the receiver, director or his designee, or supervising court;

14. Specify that the affiliate will continue to maintain any systems, programs, or other infrastructure notwithstanding supervision, seizure, conservatorship or receivership by the Department under the Insurers Rehabilitation and Liquidation Act, and will make them available to the receiver or to the director or his designee, for so long as the affiliate continues to receive timely payment for services rendered, and unless released by the receiver, director or his designee, or supervising court; and

15. Specify that, in furtherance of the cooperation between the receiver and the affected guaranty association(s) and subject to the receiver's authority over the insurer, if the insurer is placed into supervision, seizure, conservatorship or receivership pursuant to S.C. Code Ann. Title 38, Chapters 26 and 27, and portions of the insurer's policies or contracts are eligible for coverage by one or more guaranty associations, the affiliate's commitments under Subsections XVI 11 through 14 of this regulation will extend to such guaranty association(s).

### Section XVII. Enterprise Risk Report.

The ultimate controlling person of an insurer required to file an enterprise risk report pursuant to South Carolina Code Section 38-21-225 shall furnish the required information on Form F, hereby made a part of these regulations.

### Section XVIII. Group Capital Calculation.

A. Where an insurance holding company system has previously filed the annual group capital calculation at least once, the lead state commissioner has the discretion to exempt the ultimate controlling person from filing the annual group capital calculation if the lead state commissioner makes a determination based upon that filing that the insurance holding company system meets all of the following criteria:

(1) Has annual direct written and unaffiliated assumed premium (including international direct and assumed premium), but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$1,000,000,000;

(2) Has no insurers within its holding company structure that are domiciled outside of the United States or one of its territories;

(3) Has no banking, depository or other financial entity that is subject to an identified regulatory capital framework within its holding company structure;

(4) The holding company system attests that there are no material changes in the transactions between insurers and non-insurers in the group that have occurred since the last filing of the annual group capital; and

(5) The non-insurers within the holding company system do not pose a material financial risk to the insurer's ability to honor policyholder obligations.

B. Where an insurance holding company system has previously filed the annual group capital calculation at least once, the lead state commissioner has the discretion to accept in lieu of the group capital calculation a limited group capital filing if:

(1) The insurance holding company system has annual direct written and unaffiliated assumed premium (including international direct and assumed premium), but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$1,000,000,000; and all of the following additional criteria are met:

(a) Has no insurers within its holding company structure that are domiciled outside of the United States or one of its territories;

(b) Does not include a banking, depository or other financial entity that is subject to an identified regulatory capital framework; and

(c) The holding company system attests that there are no material changes in transactions between insurers and non-insurers in the group that have occurred since the last filing of the report to the lead state commissioner and the non-insurers within the holding company system do not pose a material financial risk to the insurers ability to honor policyholder obligations.

C. For an insurance holding company that has previously met an exemption with respect to the group capital calculation pursuant Section XVIII A or XVIII B of this regulation, the lead state commissioner may require at any time the ultimate controlling person to file an annual group capital calculation, completed in accordance with the NAIC Group Capital Calculation Instructions, if any of the following criteria are met:

(1) Any insurer within the insurance holding company system is in a Risk-Based Capital action level event as set forth in S.C. Code Ann. Title 38 Chapter 21 or a similar standard for a non-U.S. insurer;

(2) Any insurer within the insurance holding company system meets one or more of the standards of an insurer deemed to be in hazardous financial condition as defined in S.C. Code Ann. Sections 38-5-120, 38-9-150, 38-9-360, and 38-9-440; or

(3) Any insurer within the insurance holding company system otherwise exhibits qualities of a troubled insurer as determined by the lead state commissioner based on unique circumstances including, but not limited to, the type and volume of business written, ownership and organizational structure, federal agency requests, and international supervisor requests.

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D. A non-U.S. jurisdiction is considered to “recognize and accept” the group capital calculation if it satisfies the following criteria:

(1) With respect to Section 38-21-80(L)(2)(d):

(a) The non-U.S. jurisdiction recognizes the U.S. state regulatory approach to group supervision and group capital, by providing confirmation by a competent regulatory authority, in such jurisdiction, that insurers and insurance groups whose lead state is accredited by the NAIC under the NAIC Accreditation Program shall be subject only to worldwide prudential insurance group supervision including worldwide group governance, solvency and capital, and reporting, as applicable, by the lead state and will not be subject to group supervision, including worldwide group governance, solvency and capital, and reporting, at the level of the worldwide parent undertaking of the insurance or reinsurance group by the non-U.S. jurisdiction; or

(b) Where no U.S. insurance groups operate in the non-U.S. jurisdiction, that non-U.S. jurisdiction indicates formally in writing to the lead state with a copy to the International Association of Insurance Supervisors that the group capital calculation is an acceptable international capital standard. This will serve as the documentation otherwise required in Section XVIII D(1)(a).

(2) The non-U.S. jurisdiction provides confirmation by a competent regulatory authority in such jurisdiction that information regarding insurers and their parent, subsidiary, or affiliated entities, if applicable, shall be provided to the lead state commissioner in accordance with a memorandum of understanding or similar document between the commissioner and such jurisdiction, including but not limited to the International Association of Insurance Supervisors Multilateral Memorandum of Understanding or other multilateral memoranda of understanding coordinated by the NAIC. The commissioner shall determine, in consultation with the NAIC Committee Process, if the requirements of the information sharing agreements are in force.

E. A list of non-U.S. jurisdictions that “recognize and accept” the group capital calculation will be published through the NAIC Committee Process:

(1) A list of jurisdictions that “recognize and accept” the group capital calculation pursuant to Section 38-21-80(L)(2)(d), is published through the NAIC Committee Process to assist the lead state commissioner in determining which insurers shall file an annual group capital calculation. The list will clarify those situations in which a jurisdiction is exempted from filing under Sections 38-21-80 L(2)(d). To assist with a determination under 38-21-80 L(2)(e), the list will also identify whether a jurisdiction that is exempted under either Sections 38-21-80 L(2)(c) and 28-21-80 L(2)(d) requires a group capital filing for any U.S. based insurance group’s operations in that non-U.S. jurisdiction.

(2) For a non-U.S. jurisdiction where no U.S. insurance groups operate, the confirmation provided to meet the requirement of Section XVIII D(1)(b) will serve as support for recommendation to be published as a jurisdiction that “recognizes and accepts” the group capital calculation through the NAIC Committee Process.

(3) If the lead state commissioner makes a determination pursuant to Section 38-21-80 L(2)(d) that differs from the NAIC List, the lead state commissioner shall provide thoroughly documented justification to the NAIC and other states.

(4) Upon determination by the lead state commissioner that a non-U.S. jurisdiction no longer meets one or more of the requirements to “recognize and accept” the group capital calculation, the lead state commissioner may provide a recommendation to the NAIC that the non-U.S. jurisdiction be removed from the list of jurisdictions that “recognize and accepts” the group capital calculation.

Section XIX. Extraordinary Dividends and Other Distributions.

A. Requests for approval of extraordinary dividends or any other extraordinary distribution to shareholders shall include the following:

- (1) The amount of the proposed dividend;
- (2) The date established for payment of the dividend;
- (3) A statement as to whether the dividend is to be in cash or other property and, if in property, a description thereof, its cost, and its fair market value together with an explanation of the basis for valuation;
- (4) A copy of the calculations determining that the proposed dividend is extraordinary. The work paper shall include the following information:
  - (a) The amounts, dates and form of payment of all dividends or distributions (including regular dividends but excluding distributions of the insurer's own securities) paid within the period of twelve (12) consecutive months ending on the date fixed for payment of the proposed dividend for which approval is sought and commencing on the day after the same day of the same month in the last preceding year;
  - (b) Surplus as regards policyholders (total capital and surplus) as of the 31st day of December next preceding;
  - (c) If the insurer is a life insurer, the net gain from operations for the 12-month period ending the 31st day of December next preceding;
  - (d) If the insurer is not a life insurer, the net income less realized capital gains for the 12- month period ending the 31st day of December next preceding and the two preceding 12- month periods; and
  - (e) If the insurer is not a life insurer, the dividends paid to stockholders excluding distributions of the insurer's own securities in the preceding two (2) calendar years;
- (5) A balance sheet and statement of income for the period intervening from the last annual statement filed with the director or his designee and the end of the month preceding the month in which the request for dividend approval is submitted; and
- (6) A brief statement as to the effect of the proposed dividend upon the insurer's surplus and the reasonableness of surplus in relation to the insurer's outstanding liabilities and the adequacy of surplus relative to the insurer's financial needs.

B. Subject to Section 5B of the Act, each registered insurer shall report to the Commissioner all dividends and other distributions to shareholders within fifteen (15) business days following the declaration thereof, including the same information required by Subsection A(4).

#### Section XX. Adequacy of Surplus.

The factors set forth in Section 38-21-90 D are not intended to be an exhaustive list. In determining the adequacy and reasonableness of an insurer's surplus no single factor is necessarily controlling. The Commissioner instead will consider the net effect of all of these factors plus other factors bearing on the financial condition of the insurer. In comparing the surplus maintained by other insurers, the Commissioner will consider the extent to which each of these factors varies from company to company and in determining the quality and liquidity of investments in subsidiaries, the director or his designee will consider the individual subsidiary and may discount or disallow its valuation to the extent that the individual investments so warrant.

#### Section XXI. Severability.



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If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

|   |
|---|
| FORM A  |
| STATEMENT REGARDING THE ACQUISITION OF CONTROL  |
| OF OR MERGER WITH A DOMESTIC INSURER  |
|   |
|   |
| _____   |
| Name of Domestic Insurer  |
| By  |
| _____   |
| Name of Acquiring Person (Applicant)  |
| Filed with the Insurance Department of  |
| (State of domicile of insurer being acquired)   |
|   |
| Dated: _____, 20  |
|   |
| Name, Title, Address, Telephone Number and E-mail Address of Individual to Whom Notices and Correspondence Concerning This Statement Should be Addressed: |
|   |
|   |
|   |
|   |

### ITEM 1. INSURER AND METHOD OF ACQUISITION.

State the name and address of the domestic insurer to which this application relates and a brief description of how control is to be acquired.

### ITEM 2. IDENTITY AND BACKGROUND OF THE APPLICANT.

(a) State the name and address of the applicant seeking to acquire control over the insurer.

(b) If the applicant is not an individual, state the nature of its business operations for the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence. Briefly describe the business intended to be done by the applicant and the applicant's subsidiaries.

(c) Furnish a chart or listing clearly presenting the identities of the inter-relationships among the applicant and all affiliates of the applicant. Indicate in such chart or listing the percentage of voting securities of each such person which is owned or controlled by the applicant or by any other such person. If control of any person is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (e.g. corporation, trust, partnership) and the state or other jurisdiction of domicile. If court proceedings involving a reorganization or liquidation are pending with respect to any such person, indicate which person, and set forth the title of the court, nature of proceedings and the date when commenced.

### ITEM 3. IDENTITY AND BACKGROUND OF INDIVIDUALS ASSOCIATED WITH THE APPLICANT.

On the biographical affidavit, include a third party background check, and state the following with respect to (1) the applicant if (s)he is an individual or (2) all persons who are directors, executive officers or owners of 10% or more of the voting securities of the applicant if the applicant is not an individual.

(a) Name and business address;

(b) Present principal business activity, occupation or employment including position and office held and the name, principal business and address of any corporation or other organization in which such employment is carried on;

(c) Material occupations, positions, offices or employment during the last five years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each such occupation, position, office or employment was carried on; if any such occupation, position, office or employment required licensing by or registration with any federal, state or municipal governmental agency, indicate such fact, the current status of such licensing or registration, and an explanation of any surrender, revocation, suspension or disciplinary proceedings in connection therewith;

(d) Whether or not such person has ever been convicted in a criminal proceeding (excluding minor traffic violations) during the last ten years and, if so, give the date, nature of conviction, name and location of court, and penalty imposed or other disposition of the case.

**ITEM 4. NATURE, SOURCE AND AMOUNT OF CONSIDERATION.**

(a) Describe the nature, source and amount of funds or other considerations used or to be used in effecting the merger or other acquisition of control. If any part of the same is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding or trading securities, furnish a description of the transaction, the names of the parties thereto, the relationship, if any, between the borrower and the lender, the amounts borrowed or to be borrowed, and copies of all agreements, promissory notes and security arrangements relating thereto.

(b) Explain the criteria used in determining the nature and amount of such consideration.

(c) If the source of the consideration is a loan made in the lender's ordinary course of business and if the applicant wishes the identity of the lender to remain confidential, he must specifically request that the identity be kept confidential.

**ITEM 5. FUTURE PLANS OF INSURER.**

Describe any plans or proposals which the applicant may have to declare an extraordinary dividend, to liquidate such insurer, to sell its assets to or merge it with any person or persons or to make any other material change in its business operations or corporate structure or management.

**ITEM 6. VOTING SECURITIES TO BE ACQUIRED.**

State the number of shares of the insurer's voting securities which the applicant, its affiliates and any person listed in Item 3 plan to acquire, and the terms of the offer, request, invitation, agreement or acquisition, and a statement as to the method by which the fairness of the proposal was arrived at.

**ITEM 7. OWNERSHIP OF VOTING SECURITIES.**

State the amount of each class of any voting security of the insurer which is beneficially owned or concerning which there is a right to acquire beneficial ownership by the applicant, its affiliates or any person listed in Item 3.

**ITEM 8. CONTRACTS, ARRANGEMENTS, OR UNDERSTANDING WITH RESPECT TO VOTING SECURITIES OF THE INSURER.**

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Give a full description of any contracts, arrangements or understandings with respect to any voting security of the insurer in which the applicant, its affiliates or any person listed in Item 3 is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the person with whom such contracts, arrangements or understandings have been entered into.

### ITEM 9. RECENT PURCHASES OF VOTING SECURITIES.

Describe any purchases of any voting securities of the insurer by the applicant, its affiliates or any person listed in Item 3 during the twelve calendar months preceding the filing of this statement. Include in such description the dates of purchase, the names of the purchasers, and the consideration paid or agreed to be paid therefor. State whether any such shares so purchased are hypothecated.

### ITEM 10. RECENT RECOMMENDATIONS TO PURCHASE.

Describe any recommendations to purchase any voting security of the insurer made by the applicant, its affiliates or any person listed in Item 3, or by anyone based upon interviews or at the suggestion of the applicant, its affiliates or any person listed in Item 3 during the twelve calendar months preceding the filing of this statement.

### ITEM 11. AGREEMENTS WITH BROKER-DEALERS.

Describe the terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of voting securities of the insurer for tender and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

### ITEM 12. FINANCIAL STATEMENTS AND EXHIBITS.

(a) Financial statements, exhibits, and three-year financial projections of the insurer(s) shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements shall include the annual financial statements of the persons identified in Item 2(c) for the preceding five fiscal years (or for such lesser period as such applicant and its affiliates and any predecessors thereof shall have been in existence), and similar information covering the period from the end of such person's last fiscal year, if such information is available. Such statements may be prepared on either an individual basis, or, unless the Director otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

The annual financial statements of the applicant shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the applicant is an insurer which is actively engaged in the business of insurance, the financial statements need not be certified, provided they are based on the Annual Statement of such person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.

(c) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer and (if distributed) of additional soliciting material relating thereto, any proposed employment, consultation, advisory or management contracts concerning the insurer, annual reports to the stockholders of the insurer and the applicant for the last two fiscal years, and any additional documents or papers required by Form A or Regulation 69-14.

ITEM 13. AGREEMENT REQUIREMENTS FOR ENTERPRISE RISK MANAGEMENT

Applicant agrees to provide, to the best of its knowledge and belief, the information required by Form F within fifteen (15) days after the end of the month in which the acquisition of control occurs.

ITEM 14. SIGNATURE AND CERTIFICATION.

Signature and certification required as follows:

|   |                   |
|---|-------------------|
| SIGNATURE   |                   |
|   |                   |
| Pursuant to the requirements of South Carolina Code Sections 38-21-60 and 38-21-70, _____ has caused this application to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 20_____.   |                   |
|   | (SEAL)            |
|   | Name of Applicant |
|   |                   |
|   | BY                |
|   | (Name) (Title)    |
| Attest:   |                   |
|   |                   |
|   |                   |
| (Signature of Officer)  |                   |
|   |                   |
|   |                   |
| (Title)   |                   |
|   |                   |
| CERTIFICATION   |                   |
|   |                   |
| The undersigned deposes and says that (s)he has duly executed the attached application dated _____, 20_____, for and on behalf of _____ (Name of Applicant); that (s)he is the _____ (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief. |                   |
| (Signature)   |                   |
| (Type or print name beneath)  |                   |

|   |               |
|---|---------------|
| FORM B  |               |
| INSURANCE HOLDING COMPANY SYSTEM ANNUAL   |               |
| REGISTRATION STATEMENT  |               |
| Filed with the Insurance Department of the State of _____   |               |
| By _____  |               |
| Name of Registrant _____  |               |
| On Behalf of Following Insurance Companies  |               |
| Name _____  | Address _____ |
|   |               |
| Date: _____, 20_____  |               |
| Name, Title, Address, Telephone Number and E-mail Address of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed: |               |
|   |               |

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### ITEM 1. IDENTITY AND CONTROL OF REGISTRANT.

Furnish the exact name of each insurer registering or being registered (hereinafter called “the Registrant”), the home office address and principal executive offices of each; the date on which each Registrant became part of the insurance holding company system; and the method(s) by which control of each Registrant was acquired and is maintained.

### ITEM 2. ORGANIZATIONAL CHART.

Furnish a chart or listing clearly presenting the identities of and interrelationships among all affiliated persons within the insurance holding company system. The chart or listing should show the percentage of each class of voting securities of each affiliate which is owned, directly or indirectly, by another affiliate. If control of any person within the system is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (e.g., corporation, trust, partnership) and the state or other jurisdiction of domicile.

### ITEM 3. THE ULTIMATE CONTROLLING PERSON.

As to the ultimate controlling person in the insurance holding company system furnish the following information:

(a) Name.

(b) Home office address.

(c) Principal executive office address.

(d) The organizational structure of the person, i.e., corporation, partnership, individual, trust, etc.

(e) The principal business of the person.

(f) The name and address of any person who holds or owns 10% or more of any class of voting security, the class of such security, the number of shares held of record or known to be beneficially owned, and the percentage of class so held or owned.

(g) If court proceedings involving a reorganization or liquidation are pending, indicate the title and location of the court, the nature of proceedings and the date when commenced.

### ITEM 4. BIOGRAPHICAL INFORMATION.

If the ultimate controlling person is a corporation, an organization, a limited liability company, or other legal entity, furnish the following information for the directors and executive officers of the ultimate controlling person: the individual's name and address, his or her principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations. If the ultimate controlling person is an individual, furnish the individual's name and address, his or her principal occupation and all offices and positions held during the past 5 years, and any conviction of crimes other than minor traffic violations.

### ITEM 5. TRANSACTIONS AND AGREEMENTS.

Briefly describe the following agreements in force, and transactions currently outstanding or which have occurred during the last calendar year between the Registrant and its affiliates:

(1) loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the Registrant or of the Registrant by its affiliates;

(2) purchases, sales or exchanges of assets;

(3) transactions not in the ordinary course of business;

(4) guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the Registrant's assets to liability, other than insurance contracts entered into in the ordinary course of the Registrant's business;

(5) all management agreements, service contracts and all cost-sharing arrangements;

(6) leases;

(7) reinsurance agreements;

(8) dividends and other distributions to shareholders;

(9) consolidated tax allocation agreements;

(10) any pledge of the Registrant's stock and/or of the stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system; and

(11) contributions by the Registrant to the surplus of an affiliate.

No information need be disclosed if such information is not material for purposes of South Carolina Code Section 38-21-160. Sales, purchases, exchanges, loans or extensions of credit, investments or guarantees involving one-half of 1% or less of the Registrant's admitted assets as of the previous 31st day of December shall not be deemed material, unless the Director by order or regulation provides otherwise. The description shall be in a manner as to permit the proper evaluation thereof by the Director, and shall include at least the following: the nature and purpose of the transaction, the nature and amounts of any payments or transfers of assets between the parties, the identity of all parties to such transaction, and relationship of the affiliated parties to the Registrant.

#### **ITEM 6. LITIGATION OR ADMINISTRATIVE PROCEEDINGS.**

A brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which the ultimate controlling person or any of its directors or executive officers was a party or of which the property of any such person is or was the subject; give the names of the parties and the court or agency in which such litigation or proceeding is or was pending:

(a) Criminal prosecutions or administrative proceedings by any government agency or authority; and

(b) Proceedings which may have a material effect upon the solvency or capital structure of the ultimate holding company including, but not necessarily limited to, bankruptcy, receivership or other corporate reorganizations.

#### **ITEM 7. STATEMENT REGARDING PLAN OR SERIES OF TRANSACTIONS.**

The insurer shall furnish a statement that transactions entered into since the filing of the prior year's annual registration statement are not part of a plan or series of like transactions, the purpose of which is to avoid statutory threshold amounts and the review that might otherwise occur.

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### ITEM 8. FINANCIAL STATEMENTS AND EXHIBITS.

(a) Financial statements and exhibits should be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) If the ultimate controlling person is a corporation, an organization, a limited liability company, or other legal entity, the financial statements shall include the annual financial statements of the ultimate controlling person in the insurance holding company system as of the end of the person's latest fiscal year.

If at the time of the initial registration, the annual financial statements for the latest fiscal year are not available, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent such information is available. Such financial statements may be prepared on either an individual basis, or unless the Director otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business. Other than with respect to the foregoing, such financial statements shall be filed in a standard form and format adopted by the National Association of Insurance Commissioners, unless an alternative form is accepted by the Director or his designee. Documentation and financial statements filed with the Securities and Exchange Commission or audited GAAP financial statements shall be deemed to be an appropriate form and format.

Unless the Director otherwise permits, the annual financial statements shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the ultimate controlling person is an insurer which is actively engaged in the business of insurance, the annual financial statements need not be certified, provided they are based on the Annual Statement of such insurer filed with the insurance department of the insurer's domiciliary state and in accordance with requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.

Any ultimate controlling person who is an individual may file personal financial statements that are reviewed rather than audited by an independent public accountant. The review shall be conducted in accordance with standards for review of personal financial statements published in the Personal Financial Statements Guide by the American Institute of Certified Public Accountants. Personal financial statements shall be accompanied by the independent public accountant's Standard Review Report stating that the accountant is not aware of any material modifications that should be made to the financial statements in order for the statements to be in conformity with generally accepted accounting principles.

(c) Exhibits shall include copies of the latest annual reports to shareholders of the ultimate controlling person and proxy material used by the ultimate controlling person and any additional documents or papers required by Form B or Regulation 69-14.

### ITEM 9. FORM C REQUIRED.

A Form C, Summary of Changes to Registration Statement, must be prepared and filed with this Form B.

### ITEM 10. SIGNATURE AND CERTIFICATION.

Signature and certification required as follows:

|  |           |
|--|-----------|
|  | SIGNATURE |
|  |           |

|  |  |
|--|--|
| Pursuant to the requirements of South Carolina Code Sections 38-21-130 and 38-21-140, the Registrant has caused this annual registration statement to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 20____.  |  |
|  |  |
| (SEAL)   |  |
| Name of Registrant   |  |
|  |  |
| BY   |  |
| (Name) (Title)   |  |
| Attest:  |  |
|  |  |
|  |  |
| (Signature of Officer)   |  |
|  |  |
|  |  |
| (Title)  |  |
|  |  |
| CERTIFICATION  |  |
|  |  |
| The undersigned deposes and says that (s)he has duly executed the attached annual registration statement dated _____, 20____, for and on behalf of _____ (Name of Company); that (s)he is the _____ (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief. |  |
| (Signature) _____  |  |
| (Type or print name beneath)   |  |

|   |         |
|---|---------|
| FORM C  |         |
| SUMMARY OF REGISTRATION STATEMENT   |         |
| Filed with the Insurance Department of the  |         |
| State of _____  |         |
| By _____  |         |
|   |         |
| Name of Registrant  |         |
| On Behalf of Following Insurance Companies  |         |
| Name  | Address |
|   |         |
|   |         |
| Date: _____, 20____   |         |
| Name, Title, Address, Telephone Number and E-mail Address of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed: |         |

Furnish a brief description of all items in the current annual registration statement which represent changes from the prior year's annual registration statement. The description shall be in a manner as to permit the proper evaluation thereof by the Director, and shall include specific references to Item numbers in the annual registration statement and to the terms contained therein.

Changes occurring under Item 2 of Form B insofar as changes in the percentage of each class of voting securities held by each affiliate is concerned, need only be included where such changes are ones which result



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in ownership or holdings of 10 percent or more of voting securities, loss or transfer of control, or acquisition or loss of partnership interest.

Changes occurring under Item 4 of Form B need only be included where: an individual is, for the first time, made a director or executive officer of the ultimate controlling person; a director or executive officer terminates his or her responsibilities with the ultimate controlling person; or in the event an individual is named president of the ultimate controlling person.

If a transaction disclosed on the prior year's annual registration statement has been changed, the nature of such change shall be included. If a transaction disclosed on the prior year's annual registration statement has been effectuated, furnish the mode of completion and any flow of funds between affiliates resulting from the transaction.

The insurer shall furnish a statement that transactions entered into since the filing of the prior year's annual registration statement are not part of a plan or series of like transactions whose purpose it is to avoid statutory threshold amounts and the review that might otherwise occur.

### SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

#### SIGNATURE

| SIGNATURE   |                    |
|---|--------------------|
| Pursuant to the requirements of South Carolina Code Section 38-21-150, the Registrant has caused this summary of registration statement to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 20____.  |                    |
|   | (SEAL)             |
|   | Name of Registrant |
|   |                    |
|   | BY                 |
|   | (Name) (Title)     |
| Attest:   |                    |
|   |                    |
|   |                    |
| (Signature of Officer)  |                    |
|   |                    |
|   |                    |
| (Title)   |                    |
|   |                    |
| CERTIFICATION   |                    |
|   |                    |
| The undersigned deposes and says that (s)he has fully executed the attached summary of registration statement dated _____, 20____, for and on behalf of _____ (Name of Company); that (s)he is the _____ (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief. |                    |
| (Signature) _____   |                    |
|   |                    |
| (Type or print name beneath) _____  |                    |

|   |         |
|---|---------|
| FORM D  |         |
| PRIOR NOTICE OF A TRANSACTION   |         |
| Filed with the Insurance Department of the State of _____   |         |
| By _____  |         |
| Name of Registrant _____  |         |
| On Behalf of Following Insurance Companies  |         |
| Name  | Address |
| _____   | _____   |
| Date: _____, 20____.  |         |
| Name, Title, Address, Telephone Number and E-mail Address of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed: |         |

## ITEM 1. IDENTITY OF PARTIES TO TRANSACTION.

Furnish the following information for each of the parties to the transaction:

- (a) Name.
- (b) Home office address.
- (c) Principal executive office address.
- (d) The organizational structure, i.e., corporation, partnership, individual, trust, etc.
- (e) A description of the nature of the parties' business operations.
- (f) Relationship, if any, of other parties to the transaction to the insurer filing the notice, including any ownership or debtor/creditor interest by any other parties to the transaction in the insurer seeking approval, or by the insurer filing the notice in the affiliated parties.
- (g) Where the transaction is with a non-affiliate, the name(s) of the affiliate(s) which will receive, in whole or in substantial part, the proceeds of the transaction.

## ITEM 2. DESCRIPTION OF THE TRANSACTION.

Furnish the following information for each transaction for which notice is being given:

- (a) A statement as to whether notice is being given under South Carolina Code Sections 38-21-250(B)(1), (2), (3), (4) or (5).
- (b) A statement of the nature of the transaction.
- (c) A statement of how the transaction meets the 'fair and reasonable' standard of South Carolina Code Section 38-21-250(A)(1); and
- (d) The proposed effective date of the transaction.

## ITEM 3. SALES, PURCHASES, EXCHANGES, LOANS, EXTENSIONS OF CREDIT, GUARANTEES OR INVESTMENTS.

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Furnish a brief description of the amount and source of funds, securities, property or other consideration for the sale, purchase, exchange, loan, extension of credit, guarantee, or investment, whether any provision exists for purchase by the insurer filing notice, by any party to the transaction, or by any affiliate of the insurer filing notice, a description of the terms of any securities being received, if any, and a description of any other agreements relating to the transaction such as contracts or agreements for services, consulting agreements and the like. If the transaction involves other than cash, furnish a description of the consideration, its cost and its fair market value, together with an explanation of the basis for evaluation.

If the transaction involves a loan, extension of credit or a guarantee, furnish a description of the maximum amount which the insurer will be obligated to make available under such loan, extension of credit or guarantee, the date on which the credit or guarantee will terminate, and any provisions for the accrual of or deferral of interest.

If the transaction involves an investment, guarantee or other arrangement, state the time period during which the investment, guarantee or other arrangement will remain in effect, together with any provisions for extensions or renewals of such investments, guarantees or arrangements. Furnish a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given if the maximum amount which can at any time be outstanding or for which the insurer can be legally obligated under the loan, extension of credit or guarantee is less than, (a) in the case of non-life insurers, the lesser of 3% of the insurer's admitted assets or 25% of surplus as regards policyholders or, (b) in the case of life insurers, 3% of the insurer's admitted assets, each as of the 31st day of December next preceding.

### ITEM 4. LOANS OR EXTENSIONS OF CREDIT TO A NON-AFFILIATE.

If the transaction involves a loan or extension of credit to any person who is not an affiliate, furnish a brief description of the agreement or understanding whereby the proceeds of the proposed transaction, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase the assets of, or to make investments in, any affiliate of the insurer making such loans or extensions of credit, and specify in what manner the proceeds are to be used to loan to, extend credit to, purchase assets of or make investments in any affiliate. Describe the amount and source of funds, securities, property or other consideration for the loan or extension of credit and, if the transaction is one involving consideration other than cash, a description of its cost and its fair market value together with an explanation of the basis for evaluation. Furnish a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given if the loan or extension of credit is one which equals less than, in the case of nonlife insurers, the lesser of 3% of the insurer's admitted assets or 25% of surplus as regards policyholders or, with respect to life insurers, 3% of the insurer's admitted assets, each as of the 31st day of December next preceding.

### ITEM 5. REINSURANCE.

If the transaction is a reinsurance agreement or modification thereto, as described by South Carolina Code Section 38-21-250(B)(3)(b) or a reinsurance pooling agreement or modification thereto as described by South Carolina Code Section 38-21-250(B)(3)(a), furnish a description of the known and/or estimated amount of liability to be ceded and/or assumed in each calendar year, the period of time during which the agreement will be in effect, and a statement whether an agreement or understanding exists between the insurer and non-affiliate to the effect that any portion of the assets constituting the consideration for the agreement will be transferred to one or more of the insurer's affiliates. Furnish a brief description of the consideration involved in the transaction, and a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given for reinsurance agreements or modifications thereto if the reinsurance premium or a change in the insurer's liabilities, or the projected reinsurance premium or change in the insurer's liabilities in any of the next three years, in connection with the reinsurance agreement or modification thereto is less than 5%

of the insurer's surplus as regards policyholders, as of the 31st day of December next preceding. Notice shall be given for all reinsurance pooling agreements including modifications thereto.

**ITEM 6. MANAGEMENT AGREEMENTS, SERVICE AGREEMENTS AND COST-SHARING ARRANGEMENTS.**

For management and service agreements, furnish:

- (a) a brief description of the managerial responsibilities, or services to be performed.
- (b) a brief description of the agreement, including a statement of its duration, together with brief descriptions of the basis for compensation and the terms under which payment or compensation is to be made.

For cost-sharing arrangements, furnish:

- (a) a brief description of the purpose of the agreement.
- (b) a description of the period of time during which the agreement is to be in effect.
- (c) a brief description of each party's expenses or costs covered by the agreement.
- (d) a brief description of the accounting basis to be used in calculating each party's costs under the agreement.
- (e) A brief statement as to the effect of the transaction upon the insurer's policyholder surplus;
- (f) A statement regarding the cost allocation methods that specifies whether proposed charges are based on "cost or market." If market based, rationale for using market instead of cost, including justification for the company's determination that amounts are fair and reasonable; and
- (g) A statement regarding compliance with the NAIC Accounting Practices and Procedure Manual regarding expense allocation.

**ITEM 7. ALL OTHER TRANSACTIONS DETERMINED BY THE DIRECTOR TO BE MATERIAL, INCLUDING, BUT NOT LIMITED TO, REAL OR PERSONAL PROPERTY LEASES.**

For leases, furnish:

- (a) a brief description of the purpose of the lease.
- (b) a description of the period of time during which the lease agreement is to be in effect.
- (c) the aggregate payments to be made during the term of the lease.
- (d) copy of the lease agreement.

**ITEM 8. SIGNATURE AND CERTIFICATION.**

Signature and certification required as follows:

|           |
|-----------|
| SIGNATURE |
|-----------|

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|   |                   |
|---|-------------------|
| Pursuant to the requirements of South Carolina Code Section 38-21-250, _____ has caused this notice to be duly signed on its behalf in the City of _____ and State of _____ on the ____ day of _____, 20____.   |                   |
|   | (SEAL)            |
|   | Name of Applicant |
|   |                   |
|   | BY                |
|   | (Name) (Title)    |
|   |                   |
| Attest:   |                   |
|   |                   |
|   |                   |
| (Signature of Officer)  |                   |
|   |                   |
|   |                   |
| (Title)   |                   |
|   |                   |
| CERTIFICATION   |                   |
|   |                   |
| The undersigned deposes and says that (s)he has fully executed the attached notice dated _____, 20____, for and on behalf of _____ (Name of Applicant); and (s)he is the _____ (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief. |                   |
| (Signature) _____   |                   |
| (Type or print name beneath) _____  |                   |

|  |
|--|
| FORM E   |
| PRE-ACQUISITION NOTIFICATION FORM  |
| REGARDING THE POTENTIAL COMPETITIVE IMPACT   |
| OF A PROPOSED MERGER OR ACQUISITION BY A   |
| NON-DOMICILIARY INSURER DOING BUSINESS IN THIS   |
| STATE OR BY A DOMESTIC INSURER   |
|  |
| _____  |
| Name of Applicant  |
|  |
| _____  |
| Name of Other Person   |
| Involved in Merger or  |
| Acquisition  |
| Filed with the Insurance Department of the state of  |
| Date: _____, 20____.   |
| Name, title, address, telephone number and e-mail address of person completing this statement: |

### ITEM 1. NAME AND ADDRESS

State the names and addresses of the persons who hereby provide notice of their involvement in a pending acquisition or change in corporate control.

### ITEM 2. NAME AND ADDRESSES OF AFFILIATED COMPANIES

State the names and addresses of the persons affiliated with those listed in Item 1. Describe their affiliations.

## ITEM 3. NATURE AND PURPOSE OF THE PROPOSED MERGER OR ACQUISITION

State the nature and purpose of the proposed merger or acquisition.

## ITEM 4. NATURE OF BUSINESS

State the nature of the business performed by each of the persons identified in response to Item 1 and Item 2.

## ITEM 5. MARKET AND MARKET SHARE

State specifically what market and market share in each relevant insurance market the persons identified in Item 1 and Item 2 currently enjoy in this state. Provide historical market and market share data for each person identified in Item 1 and Item 2 for the past five years and identify the source of such data. Provide a determination as to whether the proposed acquisition or merger, if consummated, would violate the competitive standards of the state as stated in South Carolina Code Section 38-21-125(D). If the proposed acquisition or merger would violate competitive standards, provide justification of why the acquisition or merger would not substantially lessen competition or create a monopoly in the state.

For purposes of this question, market means direct written insurance premium in this state for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this state.

|   |         |
|---|---------|
| FORM F  |         |
| ENTERPRISE RISK REPORT  |         |
| Filed with the Insurance Department of the State of _____   |         |
| By _____  |         |
| Name of Registrant/Applicant _____  |         |
| On Behalf of Following Insurance Companies  |         |
| Name  | Address |
|   |         |
|   |         |
|   |         |
|   |         |
| Date: _____, 20____   |         |
| Name, Title, Address, Telephone Number and E-mail Address of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed: |         |
|   |         |
|   |         |
|   |         |

## ITEM 1. ENTERPRISE RISK

The Registrant/Applicant, to the best of its knowledge and belief, shall provide information regarding the following areas that could produce enterprise risk as defined in South Carolina Code Section 38-21-10, provided such information is not disclosed in the Insurance Holding Company System Annual Registration Statement filed on behalf of itself or another insurer for which it is the ultimate controlling person:

(a) Any material developments regarding strategy, internal audit findings, compliance or risk management affecting the insurance holding company system;

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(b) Acquisition or disposal of insurance entities and reallocating of existing financial or insurance entities within the insurance holding company system;

(c) Any changes of shareholders of the insurance holding company system exceeding ten percent (10%) or more of voting securities;

(d) Developments in various investigations, regulatory activities or litigation that may have a significant bearing or impact on the insurance holding company system;

(e) Business plan of the insurance holding company system and summarized strategies for next 12 months;

(f) Identification of material concerns of the insurance holding company system raised by supervisory college, if any, in last year;

(g) Identification of insurance holding company system capital resources and material distribution patterns;

(h) Identification of any negative movement, or discussions with rating agencies which may have caused, or may cause, potential negative movement in the credit ratings and individual insurer financial strength ratings assessment of the insurance holding company system (including both the rating score and outlook);

(i) Information on corporate or parental guarantees throughout the holding company and the expected source of liquidity should such guarantees be called upon; and

(j) Identification of any material activity or development of the insurance holding company system that, in the opinion of senior management, could adversely affect the insurance holding company system.

The Registrant/Applicant may attach the appropriate form most recently filed with the U.S. Securities and Exchange Commission, provided the Registrant/Applicant includes specific references to those areas listed in Item 1 for which the form provides responsive information. If the Registrant/Applicant is not domiciled in the U.S., it may attach its most recent public audited financial statement filed in its country of domicile, provided the Registrant/Applicant includes specific references to those areas listed in Item 1 for which the financial statement provides responsive information.

### ITEM 2. OBLIGATION TO REPORT.

If the Registrant/Applicant has not disclosed any information pursuant to Item 1, the Registrant/Applicant shall include a statement affirming that, to the best of its knowledge and belief, it has not identified enterprise risk subject to disclosure pursuant to Item 1.

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

The Department of Insurance estimates that there would be no costs incurred by the State and its political subdivisions in complying with the proposed amendments.

#### **Statement of Rationale:**

These amendments will provide the Department, as a solvency regulator, additional tools for conducting group-wide supervision. Changes will also establish receivership provisions to ensure the continuity of essential services and functions to an insurer in receivership by affiliated entities and further clarify ownership of data and records of the insurer.

Document No. 5348

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

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

- 10-4. Athletic Commission.
- 10-10. Contractor's Licensing Board.
- 10-12. Board of Dentistry.
- 10-21. Long Term Health Care Administrators Board.
- 10-36. Real Estate Appraisers Board.
- 10-43. Board of Genetic Counselors. (New)

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

- 10-4. Athletic Commission.

The Commission shall charge the following fees:

|    |                         |       |
|----|-------------------------|-------|
| 1. | Boxing                  |       |
| a. | Promoter Boxing         | \$150 |
| b. | Judge Boxing/OTSB       | \$75  |
| c. | Referee Boxing/OTSB     | \$75  |
| d. | Manager Boxing          | \$100 |
| e. | Professional Boxer      | \$50  |
| f. | Trainer Boxing          | \$50  |
| g. | Seconds Boxing          | \$50  |
| h. | Timekeeper Boxer/OTSB   | \$50  |
| i. | Announcer Boxing/OTSB   | \$75  |
| j. | Matchmaker Boxing       | \$130 |
| k. | Promoter Representative | \$150 |
| l. | National Registry Fee   | \$25  |

Note: If a person holding a second's license applies for a manager's license the amount paid for the second's license will be credited toward the fee for the manager's license.

|    |                              |       |
|----|------------------------------|-------|
| 2. | Off the Street Boxing (OTSB) |       |
| a. | Promoter OTSB                | \$150 |
| b. | Off the Street Boxer         | \$50  |
|    |                              |       |
| 3. | Kickboxing                   |       |



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|    |    |                         |       |
|----|----|-------------------------|-------|
|    | a. | Promoter                | \$150 |
|    | b. | Judge                   | \$75  |
|    | c. | Referee                 | \$75  |
|    | d. | Manager                 | \$100 |
|    | e. | Kick Boxer              | \$50  |
|    | f. | Trainer                 | \$50  |
|    | g. | Second                  | \$50  |
|    | h. | Timekeeper              | \$50  |
|    | i. | Announcer               | \$75  |
|    | j. | Matchmaker              | \$130 |
|    | k. | Promoter Representative | \$150 |
|    |    |                         |       |
| 4. |    | Wrestling               |       |
|    | a. | Promoter                | \$150 |
|    | b. | Referee Pro Wrestling   | \$50  |
|    | c. | Announcer               | \$50  |
|    | d. | Pro Wrestler            | \$50  |
|    | e. | Promoter Representative | \$150 |
|    |    |                         |       |
| 5. |    | MMA                     |       |
|    | a. | Promoter                | \$150 |
|    | b. | Manager                 | \$100 |
|    | c. | Matchmaker              | \$130 |
|    | d. | Trainer                 | \$50  |
|    | e. | Judge                   | \$75  |
|    | f. | Referee                 | \$75  |
|    | g. | Seconds                 | \$50  |
|    | h. | Promoter Representative | \$150 |
|    | i. | Timekeeper              | \$50  |
|    | j. | Announcer               | \$75  |
|    | k. | Amateur Fighter         | \$50  |
|    | l. | Pro Fighter             | \$50  |
|    |    |                         |       |
| 6. |    | Permits                 |       |
|    | a. | MMA Permit              | \$300 |
|    | b. | Wrestling Permit        | \$65  |
|    | c. | Boxing Permit           | \$150 |
|    | d. | OTSB Permit             | \$150 |
|    | e. | Kickboxing Permit       | \$150 |

### 10-10. Contractor's Licensing Board.

The Board shall charge the following fees:

|    |                                      |                         |       |
|----|--------------------------------------|-------------------------|-------|
| A. | Contractors - General and Mechanical |                         |       |
|    | 1.                                   | Initial License Fee:    | \$350 |
|    | 2.                                   | Biennial Renewal Fee:   | \$135 |
|    | 3.                                   | Reinstatement:          | \$350 |
|    | 4.                                   | Late Payment Penalties: |       |
|    | a.                                   | Up to 30 days:          | \$100 |

|  |    |    |   |  |
|--|----|----|---|--|
|  |    | b. | 31-60 days:   | \$150  |
|  |    | c. | 61-90 days:   | \$200  |
|  |    | 5. | Miscellaneous:  |  |
|  |    | a. | Biennial Construction Manager Registration Certificate Fee: | \$10   |
|  |    | b. | Replacement of lost or destroyed certificate:               | \$10   |
|  |    | c. | Replacement of lost or destroyed license:                   | \$5  |
|  | B. |    | Burglar Alarm Contractors and Fire Alarm Contractors        |  |
|  |    | 1. | Initial License Fees:                                       |  |
|  |    | a. | Alarm System Business License:                              | \$200, which includes one primary qualifying party certificate                   |
|  |    | b. | Burglar Alarm Branch Office:                                | \$50 each, which includes one primary qualifying party certificate               |
|  |    | c. | Additional Qualifying Party:                                | \$10   |
|  |    | 2. | Biennial Renewal  |  |
|  |    | a. | Alarm System Business License:                              | \$200 each, which includes one primary qualifying party certificate              |
|  |    | b. | Burglar Alarm Branch Office:                                | \$50 each, which includes one primary qualifying party certificate               |
|  |    | c. | Additional Qualifying Party:                                | \$10 each  |
|  |    | 3. | Reinstatement:  | \$200  |
|  |    | 4. | Late Renewal Penalties:                                     |  |
|  |    | a. | Up to 30 days:  | \$100  |
|  |    | b. | 31-60 days:   | \$150  |
|  |    | c. | 61-90 days:   | \$175  |
|  |    | 5. | Miscellaneous:  |  |
|  |    | a. | Replacement of lost or destroyed certificate:               | \$10   |
|  |    | b. | Replacement of lost or destroyed license:                   | \$10   |
|  | C. |    | Fire Sprinkler Protection Systems Contractors               |  |
|  |    | 1. | Initial License Fees:                                       |  |
|  |    | a. | Fire Sprinkler Contractor License Fee:                      | \$200, which includes one qualifying party certificate                           |
|  |    | b. | Additional Qualifying Party:                                | \$50 each  |
|  |    | c. | Branch Office:  | \$100 for each branch office, which includes one primary qualifying certificate. |
|  |    | 2. | Renewal:  |  |
|  |    | a. | Fire Sprinkler Business:                                    | \$200, which includes one qualifying party certificate                           |
|  |    | b. | Additional Qualifying Party:                                | \$50 for each additional qualifying party certificate                            |
|  |    | c. | Branch Office:  | \$100 each, which includes one primary qualifying certificate                    |
|  |    | 3. | Reinstatement:  | \$200  |
|  |    | 4. | Late Renewal Penalties:                                     |  |
|  |    | a. | Up to 30 days:  | \$100  |
|  |    | b. | 31-60 days:   | \$150  |
|  |    | c. | 61-90 days:   | \$200  |

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|  |    |   |       |
|--|----|---|-------|
|  | d. | 91-120 days:                                  | \$250 |
|  | 5. | Miscellaneous:                                |       |
|  | a. | Replacement of lost or destroyed certificate: | \$10  |
|  | b. | Replacement of lost or destroyed license:     | \$10  |

### 10-12. Board of Dentistry.

The Board shall charge the following fees:

|  |  |   |                                   |                                    |
|--|--|---|-----------------------------------|------------------------------------|
|  | 1. Application Fees for Licensure/Registration                           |   |                                   |                                    |
|  | a.   | General Dentist:  |                                   |                                    |
|  |  |   | (1) By Clinical Examination:      | \$300                              |
|  |  |   | (2) By Credentials:               | \$2000                             |
|  |  |   | (3) By Credentials with Waiver:   | \$500                              |
|  | b.   | Dental Specialty:   |                                   | \$300                              |
|  | c.   | Dental Hygiene:   |                                   | \$150                              |
|  | d.   | Dental Technician:  |                                   | \$100                              |
|  | e.   | Orthodontic Technician:   |                                   | \$100                              |
|  | f.   | Dental Instructor:  |                                   | \$300                              |
|  | g.   | Volunteer License:  |                                   | \$0                                |
|  | 2. Fees for Biennial Renewal of License/Certificate                      |   |                                   |                                    |
|  | a.   | General Dentist:  |                                   | \$280                              |
|  | b.   | Dental Specialist:  |                                   | \$280 + \$10 per specialty         |
|  | c.   | Dental Hygienist with Infiltration Anesthesia:                                      |                                   | \$90                               |
|  | d.   | Dental Hygienist:   |                                   | \$80                               |
|  | e.   | Dental/Orthodontic Technician:  |                                   | \$150                              |
|  | f.   | Dental Instructor:  |                                   | \$320                              |
|  | g.   | Late Renewal:   |                                   |                                    |
|  |  | (1)   | January 1 – January 31            | Renewal fee is doubled             |
|  |  | (2)   | February 1 – last day of February | Additional \$5 per day             |
|  | 3. Fees for Annual Renewal of Mobile Facilities and Portable Dental Unit |   |                                   |                                    |
|  | a.   | Mobile Facilities:  |                                   | \$150                              |
|  | b.   | Portable Units:   |                                   | \$75                               |
|  | 4.   | Fees for Reinstatement of License/Registration Application and Fees Application Fee |                                   | \$75, plus Reinstatement fee below |
|  | a.   | Dental License:   |                                   | \$500                              |
|  | b.   | Dental Hygiene License:   |                                   | \$300                              |
|  | c.   | Technician Registration:  |                                   | \$300                              |
|  | 5. Application Fees for Certifications                                   |   |                                   |                                    |
|  | a.   | Administer Infiltration Anesthesia:   |                                   | \$70                               |
|  | b.   | Monitor Nitrous Oxide:  |                                   | \$25                               |
|  | 6. Miscellaneous Fees  |   |                                   |                                    |
|  | a.   | Verification of Licensure:  |                                   | \$5                                |
|  | b.   | Name Change and New Wallet Card:  |                                   | \$10                               |

|  |     |                                      |      |
|--|-----|--------------------------------------|------|
|  | c.  | Returned Check Charge:               | \$30 |
|  | d.  | Licensure List:                      | \$10 |
|  | e.  | Duplicate Certificates:              |      |
|  | (1) | Wall Certificate:                    | \$25 |
|  | (2) | Wallet Card/Wall Certificate:        | \$10 |
|  | (3) | Nitrous Oxide Certificate:           | \$10 |
|  | (4) | Infiltration Anesthesia Certificate: | \$10 |

## 10-21. Long Term Health Care Administrators Board.

The Board shall charge the following fees:

|    |  |   |                     |
|----|--|---|---------------------|
| A. | Nursing Home Administrator's Fee Schedule:                       |   |                     |
|    | 1.   | Application for Licensure:                        | \$200               |
|    | 2.   | Application for Re-examination:                   | \$135               |
|    | 3.   | Provisional License:                              | \$500               |
|    | 4.   | Initial License:                                  | \$175               |
|    | 5.   | Biennial Renewal:                                 |                     |
|    | a.   | Active Status:                                    | \$350               |
|    | b.   | Inactive Status:                                  | \$270               |
|    | c.   | Reactivation Fee:                                 | \$100               |
| B. | Community Residential Care Facility Administrator's Fee Schedule |   |                     |
|    | 1.   | Application for Licensure:                        | \$100               |
|    | 2.   | Application for Re-examination:                   | \$65                |
|    | 3.   | Provisional License:                              | \$250               |
|    | 4.   | Initial License:                                  | \$150               |
|    | 5.   | Biennial Renewal:                                 |                     |
|    | a.   | Active Status:                                    | \$300               |
|    | b.   | Inactive Status:                                  | \$230               |
|    | c.   | Reactivation Fee:                                 | \$100               |
| C. | Dual Administrators:   |   |                     |
|    | 1.   | Application for Licensure:                        | \$200               |
|    | 2.   | Application for Re-examination:                   | \$65                |
|    | 3.   | Provisional License:                              | \$600               |
|    | 4.   | Initial License:                                  | \$255               |
|    | 5.   | Biennial Renewal:                                 |                     |
|    | a.   | Active Status:                                    | \$650               |
|    | b.   | Inactive Status:                                  | \$500               |
|    | c.   | Reactivation Fee:                                 | \$100               |
| D. | Charges for Both Classes of Administrators:                      |   |                     |
|    | 1.   | Reinstatement of a Lapsed License :               | \$300 + renewal fee |
|    | 2.   | Primary Source Verification of Licensure:         | \$50                |
|    | 3.   | Duplicate License/Name Change:                    | \$10                |
|    | 4.   | Duplicate License                                 | \$10                |
|    | 5.   | Licensee List Request:                            | \$10                |
|    | 6.   | Returned Check Fee:                               | \$30                |
|    | 7.   | Application for Approval of Continuing Education: |                     |
|    | a.   | By a Sponsoring Organization:                     | \$100               |
|    | b.   | For a repeat presentation:                        | \$25                |
|    | c.   | By an Individual:                                 | \$15                |

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### 10-36. Real Estate Appraisers Board.

The Board shall charge the following fees:

|      |   |   |
|------|---|---|
| (1)  | Apprentice appraiser license:   | \$255   |
| (2)  | Apprentice appraiser license renewal (biennial):                      | \$255   |
| (3)  | Mass appraiser renewal (biennial):                                    | \$255   |
| (4)  | Appraiser license/certification:                                      | \$250   |
| (5)  | Appraiser license/certification renewal (biennial):                   | \$250   |
| (6)  | Appraisal Management Company registration fee:                        | \$500   |
| (7)  | Appraisal Management Company renewal (annual):                        | \$500   |
| (8)  | Late penalty for renewal of license/certification:                    |   |
|      | (a) July 1 through July 31:   | \$60  |
|      | (b) August 1 through August 31:                                       | \$80  |
|      | (c) After August 31 and before next renewal period:                   | \$120   |
| (9)  | Late penalty for renewal of registration status:                      |   |
|      | July 1 through June 30 (per month):                                   | \$80  |
| (10) | Attestation of license/certification (per request):                   | \$5   |
| (11) | Course approval (under 15 hours) (per application):                   | \$80  |
| (12) | Course approval (15 hours or more) (per application):                 | \$160   |
| (13) | Course approval renewal (biennial):                                   | \$80  |
| (14) | Penalty for late course renewal:                                      | \$40  |
| (15) | Instructor approval (per application):                                | \$160   |
| (16) | Instructor approval renewal (biennial):                               | \$120   |
| (17) | Penalty for late instructor renewal:                                  | \$40  |
| (18) | Appraisers or Appraisal Management Company roster (per request):      | \$10  |
| (19) | Change in appraiser classification (per application):                 | \$60  |
| (20) | Appraiser equivalent continuing education approval (per application): | \$40  |
| (21) | Bad check charge (per occurrence):                                    | \$30 (or amount specified by law; see Section 34-11-70) |
| (22) | Temporary practice permit (per application):                          | \$120   |

(23) In addition to fees listed above, a biennial Federal Registry Transmittal fee of \$80 established by Public Law 101-73, Title XI, Real Estate Appraisal Reform Amendments will be charged for all Licensed and Certified appraisers.

(24) An Appraisal Management Federal Registry Transmittal fee from registered appraisal management companies and federally regulated appraisal management companies in the amount determined by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council shall be collected annually.

### 10-43. Board of Genetic Counselors.

The Board shall charge the following fees:

|     |   |       |
|-----|---|-------|
| A.  | Genetic Counselor   |       |
| (1) | Application Fee   | \$600 |
| (2) | Application Fee for Licensure by Endorsement                                    | \$600 |
| (3) | Biennial License Renewal (Renewed no later than April 30 in odd-numbered years) | TBD   |

|    |     |   |       |
|----|-----|---|-------|
|    | (4) | Reinstatement Fee   | \$300 |
| B. |     | Limited License   |       |
|    | (1) | Application Fee   | \$200 |
|    | (2) | Application for Change of Supervisor                                | \$25  |
| C. |     | Other Fees  |       |
|    | (1) | License Verification  | \$5   |
|    | (2) | Insufficient Funds Fee as established in S.C. Code Section 34-11-70 | \$30  |

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

The updated regulation will make corrections to the boards' and commissions' fee schedules. Specifically, it will eliminate fees that are no longer charged, correct errors in the fee schedules, and add fees where necessary as well as fees for a new board under the agency's umbrella.

Document No. 5349

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

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

10-17. Board of Funeral Service.

10-24. Board of Medical Examiners.

10-32. Board of Podiatry Examiners.

10-33. Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists.

10-42. Board of Veterinary Medical Examiners.

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

10-17. Board of Funeral Service.

The Board shall charge the following fees:

|     |                                     |      |
|-----|-------------------------------------|------|
| (1) | Initial Application and License Fee |      |
| (a) | Funeral Director Apprentice         | \$65 |

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|     |   |                                     |  |   |
|-----|---|-------------------------------------|--|---|
|     | (b)                                       | Embalmer Apprentice                 |  | \$65  |
|     | (c)                                       | Embalmer                            |  | \$130   |
|     | (d)                                       | Funeral Director                    |  | \$130   |
|     | (e)                                       | Dual Application                    |  | \$195   |
|     | (f)                                       | Endorsed Funeral Director           |  | \$130   |
|     | (g)                                       | Endorsed Embalmer                   |  | \$130   |
|     | (h)                                       | Endorsed Dual Application           |  | \$195   |
|     | (i)                                       | Funeral Director Student Permit     |  | \$25  |
|     | (j)                                       | Embalmer Student Permit             |  | \$25  |
|     | (k)                                       | New Funeral Home Permit             |  | \$260   |
|     | (l)                                       | Additional Funeral Facility         |  | \$260   |
| (2) | Biennial License renewal                  |                                     |  |   |
|     | (a)                                       | Embalmer                            |  | \$390   |
|     | (b)                                       | Funeral Director                    |  | \$390   |
|     | (c)                                       | Dual License                        |  | \$415   |
|     | (d)                                       | Funeral Home (Parent)               |  | \$450   |
|     | (e)                                       | Funeral (Chapel)                    |  | \$450   |
|     | (f)                                       | Crematory                           |  | \$450   |
|     | (g)                                       | Funeral Home (Branch)               |  | \$450   |
|     | (h)                                       | Retail Outlet                       |  | \$450   |
| (3) | Apprentice and Student Renewal            |                                     |  |   |
|     | (a)                                       | Funeral Director Apprentice         |  | \$130   |
|     | (b)                                       | Embalmer Apprentice                 |  | \$130   |
|     | (c)                                       | Funeral Director Student Permit     |  | \$65  |
|     | (d)                                       | Embalmer Student Permit             |  | \$65  |
| (4) | Late Renewal Penalty (1-6 months)         |                                     |  | \$150   |
| (5) | Reactivation (Revival) (6 months or more) |                                     |  | \$150 + renewal fee for each year license was expired |
| (6) | Examination Fee                           |                                     |  |   |
|     | (a)                                       | National State Examination          | Actual fee charged by examination provider (One part)  |   |
|     | (b)                                       | National State Examination          | Actual fee charged by examination provider (Two parts) |   |
|     | (c)                                       | State Statutes and Regulations Exam | Fee charged by examination provider                    |   |
| (7) | Miscellaneous Fees                        |                                     |  |   |
|     | (a)                                       | Change of Manager Application       | \$200  |   |
|     | (b)                                       | Change of Location Application      | \$200  |   |

### 10-24. Board of Medical Examiners.

The Board shall charge the following fees:

|     |             |                    |                   |                              |
|-----|-------------|--------------------|-------------------|------------------------------|
| (A) | Physicians: |                    |                   |                              |
|     | (1)         | Academic License—  |                   | \$150                        |
|     |             | (a)                | Renewal—          | \$150                        |
|     | (2)         | Limited License-   |                   | \$75 (6 mo.), \$130(1 year)  |
|     |             | (a)                | Renewal—          | \$75 (6 mo.), \$130 (1 year) |
|     |             | (b)                | 14 days—          | \$70                         |
|     | (3)         | Permanent License— |                   | \$500                        |
|     |             | (a)                | Biennial Renewal— | \$140                        |
|     |             | (b)                | Reactivation—     | \$460                        |

|     |     |  |        |
|-----|-----|--|--------|
|     | (4) | Special Volunteer Limited License—                                 | no fee |
|     | (a) | Renewal—   | no fee |
|     | (5) | Temporary License Extension—                                       | \$75   |
| (B) |     | Acupuncture—   | \$100  |
|     | (1) | Biennial Renewal—  | \$130  |
| (C) |     | Anesthesiologist's Assistant—                                      | \$260  |
|     | (1) | Biennial Renewal—  | \$260  |
| (D) |     | Physician Assistant—   | \$110  |
|     | (1) | Biennial Renewal—  | \$45   |
|     | (2) | Limited License Application—                                       | \$25   |
|     | (3) | Prescriptive Authority—  | \$40   |
|     |     | (No fee for expanded prescriptive authority, Schedule III-V drugs) |        |
|     | (4) | Reactivation Application   | \$160  |
| (E) |     | Respiratory Care Practitioner                                      |        |
|     | (1) | Application - Permanent License—                                   | \$110  |
|     | (2) | Biennial Renewal-Permanent License—                                | \$65   |
|     | (3) | Limited License—   | \$40   |
|     | (4) | Limited License Renewal—   | \$40   |
|     | (5) | Update License Application—  | \$80   |
|     | (6) | Reactivation-Permanent License—                                    | \$160  |
|     | (7) | Exemption for Ventilation by Non-RCP                               | \$50   |
| (F) |     | Registered Cardiovascular Invasive Specialist                      |        |
|     | (1) | Initial Application  | \$150  |
|     | (2) | Biennial Renewal   | \$75   |
| (G) |     | Other fees   |        |
|     | (1) | Verification of License—   | \$5    |
|     | (2) | Wall Certificate-Duplicate—  | \$25   |
|     | (3) | Duplicate wallet cards   | \$10   |
|     | (4) | Name change—   | no fee |
|     | (5) | Licensure Listing—   | \$10   |

## 10-32. Board of Podiatry Examiners.

The Board shall charge the following fees:

|    |                            |       |
|----|----------------------------|-------|
| A. | Initial Application        | \$500 |
| B. | Biennial License Renewal:  | \$275 |
| C. | Late License Renewal:      | \$200 |
| D. | License Reinstatement Fee: | \$75  |
| E. | Duplicate Wallet Card      | \$10  |
| F. | Duplicate Wall Certificate | \$25  |

## 10-33. Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists.

The Board shall charge the following fees:

|    |   |
|----|---|
| A. | Application Fee - Application and fee go to Center for Credentialing Education (CCE) to be reviewed and approved. |
| B. | Initial License Fee:  |



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|  |    |  |   |       |
|--|----|--|---|-------|
|  | 1. | Associate:                                       |   | \$130 |
|  | 2. | Professional Counselors:                         |   | \$130 |
|  | 3. | Marriage and Family Therapists:                  |   | \$130 |
|  | 4. | Psycho-educational Specialists:                  |   | \$130 |
|  | 5. | Addiction Counselors:                            |   | \$130 |
|  | 6. | Professional Counselor Supervisors:              |   | \$80  |
|  | 7. | Marriage and Family Therapy Supervisors:         |   | \$80  |
|  | 8. | Addiction Counselor Supervisors:                 |   | \$80  |
|  | C. | Biennial license renewal                         |   |       |
|  | 1. | Professional Counselors:                         |   | \$150 |
|  | 2. | Marriage and Family Therapists:                  |   | \$150 |
|  | 3. | Addiction Counselors:                            |   | \$150 |
|  | 4. | Psycho-educational Specialists:                  |   | \$150 |
|  | 5. | Professional Counselor Supervisors:              |   | \$100 |
|  | 6. | Marriage and Family Therapy Supervisors:         |   | \$100 |
|  | 7. | Addiction Counselor Supervisors:                 |   | \$100 |
|  | D. | Reinstatement Fee:                               | \$100 + renewal fee   |       |
|  | E. | Examination Fee:                                 |   |       |
|  | 1. | Professional Counselors: paid to provider        |   |       |
|  | 2. | Marriage and Family Therapists: paid to provider |   |       |
|  | F. | License Verification:                            |   | \$5   |
|  | G. | License verification to another state:           |   | \$5   |
|  | H. | Name change and new license card:                |   | \$10  |
|  | I. | Copy of file:                                    |   | \$10  |
|  | J. | Duplicate license:                               |   |       |
|  | 1. | Wall certificate:                                |   | \$25  |
|  | 2. | License card:                                    |   | \$10  |
|  | K. | Returned check charge:                           | \$30 (or as otherwise established by law as administrative costs for returned checks) |       |

### 10-42. Board of Veterinary Medical Examiners.

The Board shall charge the following fees:

|     |                                  |   |                     |       |
|-----|----------------------------------|---|---------------------|-------|
| (A) | Fees for Veterinarians:          |   |                     |       |
|     | (1)                              | Application for License                 |                     | \$175 |
|     | (2)                              | Temporary Veterinary License            |                     | \$100 |
|     | (3)                              | Biennial Renewal                        |                     | \$340 |
|     | (4)                              | Biennial Renewal late fee               | \$100 + renewal fee |       |
|     | (5)                              | Reinstatement fee                       | \$250 + renewal fee |       |
| (B) | Fees for Veterinary Technicians: |   |                     |       |
|     | (1)                              | Application for License                 |                     | \$50  |
|     | (2)                              | Temporary Veterinary Technician License |                     | \$10  |
|     | (3)                              | Biennial Renewal                        |                     | \$80  |
|     | (4)                              | Biennial Renewal late fee               | \$10 + renewal fee  |       |
|     | (5)                              | Reinstatement fee                       | \$20 + renewal fee  |       |
| (C) | Miscellaneous Fees:              |   |                     |       |
|     | (1)                              | License Verification Fee                |                     | \$5   |
|     | (2)                              | Wall Certificate Replacement            |                     | \$10  |
|     | (3)                              | Pocket Card Certificate Replacement     |                     | \$10  |

|  |     |                       |  |      |
|--|-----|-----------------------|--|------|
|  | (4) | Licensee List Request |  | \$10 |
|  | (5) | Returned Check Fee    |  | \$30 |
|  | (6) | Walk-in Service Fee   |  | \$25 |

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

The updated regulation will comport with the statutory requirement that the Agency director assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Agency fees are also consolidated and scrivener's errors are corrected.

Document No. 5351

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

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

20-3.8. Use of Drugs and Stimulants.  
20-3.14. Refreshment Containers.  
20-3.17. Boxer's Record; Suspension.  
20-4.8. Permit Application and Fee.  
20-5.2. Age.  
20-5.18. Facial Hair and Jewelry.  
20-7.2. Number Limitation.  
20-8.13. Stopping a Bout.  
20-23.9. Permit Applications and Fees.  
20-24.4. When No Regulations Exist.  
20-27.03. Requirements for mixed martial arts contestants.  
20-27.04. Weigh in procedures.  
20-27.09. Appearance, Attire and Protective Equipment.  
20-27.14. Types of bout results.  
20-27.18. Seconds' and Managers' duties when working in a corner.  
20-27.19. Disciplinary action.

**Synopsis:**

The South Carolina State Athletic Commission proposes to amend regulations in Chapter 20 of the Code of Regulations following its five-year regulatory review conducted pursuant to S.C. Code Section 1-23-120.

The Notice of Drafting was published in the State Register on May 24, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

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### 20-3.8. Use of Drugs and Stimulants.

The Commission has the authority to require any participant to submit to tests for the presence of unauthorized substances, as listed, including but not limited to, the most recent prohibited list maintained by the World Anti-Doping Agency. The use of any drugs, alcohol or stimulants, or injections in any part of the body, either before or during a match, by or in behalf of any boxer is adequate grounds for revoking his/her license, as well as the license of the person administering the same.

Classification of substances shall be as follows:

(A) Class A: Cannabinoids (marijuana) or any pharmacological substance not addressed that is not currently approved by any governmental regulatory health authority for human therapeutic use (i.e. illegal recreational drugs).

(B) Class B: Tested positive for or used or injected stimulants, narcotics, erythropoietin, human growth hormones, anabolic agents, peptide hormones, glucocorticosteroids, Beta-2 agonists, hormone and metabolic modulators, diuretics and other masking agents, anti-estrogenic agents, or other drugs identified on the WADA Anti-Doping Code Prohibited List.

Disciplinary action against licensees shall be as follows:

1. First offense: Administrative suspension of 90 days and a fine of one thousand (\$1,000) dollars.
2. Second offense: Administrative suspension of 180 days and a fine of three thousand (\$3,000) dollars.
3. Third offense: Administrative suspension of 365 days and a fine of five thousand (\$5,000) dollars.
4. Fourth offense: Indefinite administrative suspension with permanent sanctions issued by the Commission, up to and including revocation.

### 20-3.14. Refreshment Containers.

Refreshments, drinks and food may be sold at any regulated event. It is at the discretion and mutual understanding between the promoter and the venue owner to regulate the distribution of such refreshments.

### 20-3.17. Boxer's Record; Suspension.

1. A boxer who sustains a succession of six (6) defeats or a series of knockouts or technical knockouts in any state or jurisdiction may be subject to licensure denial or suspension.
2. If a boxer is medically suspended in any other state, such suspension shall be in effect in this state.
3. The promoter shall be responsible for providing the Commission with full details of the boxer's record.

### 20-4.8. Permit Application and Fee.

1. Every promoter must have a current license to conduct, hold or give boxing matches and must apply to the Commission for a permit. The application for such permit must be in the Commission office at least fourteen (14) days before the scheduled date of the event. If the promoter does not meet the deadline, the Commission will not issue a permit until the promoter pays the mandatory fine of twenty-five (\$25) dollars each day exceeded.

2. No permit may be issued unless the application includes:

- a. The names of all participants.
- b. Evidence that a policy of medical and hospital insurance satisfactory to the Commission covers every boxer.
- c. Proof acceptable to the Commission Representative of a surety bond in an amount not less than five-thousand dollars or certified funds sufficient to cover the total purse or fee for each scheduled contestant and official.
- d. Pays the required permit fee, which shall be nonrefundable.

3. Additionally, upon the request of the Commission or Commission Representative, each promoter shall provide the Commission with copies of every contract between boxers, managers and with the promoter covering all contestants in the match for which permit is made.

4. Promoters must pay to the Commission the higher amount of either five percent (5%) of the total gross admissions received at the event or a twenty-five (\$25.00) dollar minimum gate fee within thirty (30) days after the event. Failure to pay the required gate fee within the time specified herein will result in the promoter being assessed a two hundred fifty (\$250.00) dollar administrative fine, and an additional two hundred fifty (\$250.00) dollar fine every thirty (30) days thereafter up to a maximum amount of one thousand (\$1,000.00) dollars. An event permit shall not be issued to a promoter with an outstanding unpaid gate fee or fine. Promoters will be subject to disciplinary action by the Commission for any attempt to circumvent payment of the gate fee.

5. Promoters must pay to the Commission a sanctioning fee as determined by the Commission to cover the cost of inspections in the enforcement of compliance with this chapter and South Carolina Code of Laws Title 40 Chapter 81.

#### 20-5.2. Age.

1. The minimum and maximum ages for professional boxing in South Carolina are eighteen to thirty-five (18-35) years old, unless otherwise set by statute. The maximum age may be waived by the Commission designee for a specific contestant. A professional boxer petitioning for an age waiver must submit a complete application along with all medical records, official fight records and any other documentation required by the Commission to the Administrator at least thirty (30) days prior to the scheduled bout. A waiver to participate as an over-age contestant shall be valid for the duration of the current licensure period.

#### 20-5.18. Facial Hair and Jewelry; contact lenses prohibited.

All boxers must be clean and neat when they participate in ring contests. Facial hair shall be at the discretion of the Commission. All jewelry and/or piercing accessories are prohibited during competition. Boxers must not have corrective/contact lenses when they participate in competition.

#### 20-7.2. Number Limitation.

Two (2) seconds and no more than three (3) shall work in any boxer's corner, of which, only two (2) may be in the ring at any one time. Four (4) corners may be allowed in the corner for title fights, while only two (2) may enter the ring.

#### 20-8.13. Stopping a Bout.

1. The referee may, in his/her discretion, stop a bout to protect a badly beaten boxer. The referee may stop a contest if he/she considers it too one-sided. In cases where a boxer sustains a cut eye or any other injury which

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the referee feels may incapacitate the boxer, the referee may, at any time, call the physician into the ring for examination of the boxer. In such cases the referee shall be guided by the physician's advice.

2. If a boxer loses his/her mouth piece, the referee shall stop the fight and replace it. There shall be no penalty for the first such loss. If the referee determines that subsequent losses of the mouth piece are intentional, he/she may penalize the boxer one (1) point for each such occurrence.

3. If an accidental head-butt disables a boxer before the completion of half of the scheduled rounds, the referee shall declare the bout "no contest". If such head-butt occurs after completion of half of the scheduled rounds, the referee will award the decision to the boxer with the most points at the end of the preceding round.

### 20-23.9. Permit Applications and Fees.

1. Every promoter must have a current license to conduct, hold or give wrestling matches or exhibitions and must apply to the Commission for a permit before conducting any match or exhibition.

#### 2. Permits for Single Events

a. Application for single wrestling event permits must be in the Commission office at least fourteen (14) days before the event. If the promoter does not meet the deadline, the Commission will not issue a permit until the promoter pays the mandatory fine of twenty-five (\$25) dollars each day exceeded. No permit will be issued unless the applicant:

(1) Provides the names and addresses of all anticipated participants and of the event location;

(2) Pays the required permit fee.

b. Promoters must pay to the Commission the higher amount of either five percent (5%) of the total admissions to the event or a twenty five (\$25.00) dollar minimum within thirty (30) days after the event. Failure to pay the required gate fees within the time specified herein will result in the promoter being assessed a two hundred fifty (\$250.00) dollar administrative fine, and an additional two hundred fifty (\$250.00) dollar fine every thirty (30) days thereafter up to a maximum amount of one thousand (\$1,000.00) dollars. An event permit shall not be issued to a promoter with an outstanding unpaid gate fee or fine. Promoters will be subject to disciplinary action by the Commission for any attempt to circumvent payment of the gate fee.

c. Additionally, the Commission may require:

(1) Evidence that a policy of medical and hospital insurance satisfactory to the Commission covers every wrestler;

(2) The Commission may issue special permits to promoters holding multiple events during a given calendar year, upon the promoter's satisfaction of special permit requirements and fee terms set by the Commission.

### 20-24.4. When No Regulations Exist.

When an application for a permit is received and no regulations exist for that type of event, the Commission may:

1. Deny the permit;

2. Designate that the regulation for a related combative art be used; or

3. Designate the acceptance of rules or regulations as established by the Association of Boxing Commissions' Unified Rules or other promotional rules approved by the Commission, unless they conflict with the State's laws and regulations.

**20-27.03. Requirements for mixed martial arts contestants.**

**(A) Amateur contestants:**

(1) The minimum and maximum ages for amateur contestants in South Carolina are eighteen (18) to thirty-five (35) years old, unless otherwise set by statute. The maximum age may be waived by the Commission designee for a specific contestant. A contestant petitioning for an age waiver must submit a complete application along with all medical records, official fight records and any other documentation required by the Commission to the Administrator at least thirty (30) days prior to the scheduled bout. A waiver to participate as an over-age contestant shall be valid for the duration of the current licensure period.

(2) Must submit a completed state approved application with the appropriate fee.

(3) Must submit an annual blood test for the detection of Hepatitis B surface antigen, Hepatitis C antibody, and HIV.

**(B) Professional contestants:**

(1) The minimum and maximum ages for professional MMA contestants in South Carolina are eighteen (18) to thirty-five (35) years old, unless otherwise set by statute. The maximum age may be waived by the Commission designee for a specific contestant. A contestant petitioning for an age waiver must submit a complete application along with all medical records, official fight records and any other documentation required by the Commission to the Administrator at least thirty (30) days prior to the scheduled bout. A waiver to participate as an over-age contestant shall be valid for the duration of the current licensure period.

(2) Must submit a completed state approved application with the appropriate fee.

(3) Must submit an annual blood test for the detection of Hepatitis B surface antigen, Hepatitis C antibody, and HIV.

**(C) Amateur contestants who want to turn professional:**

(1) Must be between the ages of eighteen (18) and thirty-five (35) years old, unless otherwise set by statute. The maximum age may be waived by the Commission designee for a specific contestant. An Amateur contestant petitioning for an age waiver to turn professional must submit a complete application along with all medical records, official fight records and any other documentation required by the Commission to the Administrator at least thirty (30) days prior to the scheduled bout. A waiver to participate as an over-age contestant shall be valid for the duration of the current licensure period.

(2) Must submit a completed state approved application with the appropriate fee.

(3) Must have updated within one (1) year of the date of contest blood work for the detection of Hepatitis B surface antigen, Hepatitis C antibody, and HIV.

(4) Must have fought in at least five (5) sanctioned amateur fights and have won a majority of his/her sanctioned fights.

(5) Once a "Pro" designation has been obtained, the contestant may only fight in a "pro" designated event, and is not eligible to fight in any amateur sanctioned events.

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(D) Over-age MMA contestants petitioning for an age waiver:

(1) At the discretion of the Commission designee, shall provide a recent video record of his/her last fight, or training bout and copies of his/her clear and precise amateur and professional record.

(2) Must provide an updated EKG or ECG report and a letter from the attending physician clearing them to fight. This does not preclude any other medical test that the Commission may deem important for the safety of the fighter.

(3) Must submit the appropriate application and fee.

(4) Must submit a completed annual physical signed by a medical doctor (MD) or Doctor of Osteopathic Medicine (DO) along with blood work for the detection of Hepatitis B surface antigen, Hepatitis C antibody, and HIV, and an ophthalmic eye exam report performed by a licensed optometrist or ophthalmologist.

### 20-27.04. Weigh in procedures.

(A) The weigh-ins must be conducted by a Commission Representative at a place and time designated by the Commission.

(B) All contestants must weigh in. Contestants are limited to shorts, shirt or sports bra and socks.

(C) The scale used for the official weigh-in must be provided or approved by the South Carolina Athletic Commission representative.

(D) Allowance in weight class is the weight difference permitted between contestants in two (2) different weight classes.

(1) There shall not be a difference of more than three (3) pounds between weight classes from lightweight up to, but not including, the welterweight class.

(2) There shall not be a difference of more than five (5) pounds between weight classes from welterweight up to the heavyweight class.

(3) Example: a fighter weighing one hundred thirty four (134) pounds in the bantamweight class shall not compete against an opponent who weighs more than one hundred thirty-seven (137) pounds in the featherweight class.

(4) Example: a fighter weighing one hundred eighty-four (184) pounds in the middle weight class shall not compete against an opponent who weighs more than one hundred eighty-nine (189) pounds in the light heavyweight class.

(5) Weight classifications, weight allowance between weight classes and glove sizes-

| Weight class      | Weights        |
|-------------------|----------------|
| Flyweight         | 116 to 125 lbs |
| Bantamweight      | 126 to 135 lbs |
| Featherweight     | 136 to 145 lbs |
| Lightweight       | 146 to 155 lbs |
| Welterweight      | 156 to 170 lbs |
| Middleweight      | 171 to 185 lbs |
| Light Heavyweight | 186 to 205 lbs |

|  |             |              |
|--|-------------|--------------|
|  | Heavyweight | over 206 lbs |
|--|-------------|--------------|

20-27.09. Appearance, Attire and Protective Equipment.

(A) Groin protectors.

(1) Male fighters must wear a professionally manufactured and Commission approved groin protector, which will protect them against injury from a foul blow. No homemade or non-professionally manufactured protective gear will be approved by the Commission.

(B) Female fighters must submit to a Commission administered pregnancy test reviewed by the ringside physician on the day of the scheduled fight for a mandatory negative result.

(C) Each contestant shall wear mixed martial arts shorts, biking shorts, or kick boxing shorts. Shorts must be approved by the Commission or Commission representative. Swimming suits/trunks are not allowed.

(D) No GI's or shirts permitted. Female fighters must wear a sports bra.

(E) No shoes or protective padding for the feet or other areas of the body are permitted.

(F) No grappling shin guards.

(G) Absolutely "no" body grease, gels, balms or lotions may be applied. Vaseline may be applied to the facial area at cage side or ringside in the presence of an inspector, referee, or a person designated by the Commission. Any contestant applying anything prior to this could be penalized a point or disqualified.

(H) Taping of hands and wrists is permitted.

(I) Neoprene joint supports only. No metal supports or hardened plastic or hardened synthetic device or equipment of any kind can ever be worn anywhere on the body during competition. Supports cannot have Velcro, straps, clips, or zippers.

(J) Finger and toe nails must be trimmed.

(K) The Commission or Commission representative shall determine whether head or facial hair presents any hazard to the safety of the contestant or their opponent or will interfere with the supervision and conduct of the event.

(L) May not wear any equipment that does not pass the Commissions' or Commission Representatives' approval.

(M) No jewelry or body piercings may be worn during an event.

(N) No contacts or corrective lenses may be worn during an event.

20-27.14. Types of bout results.

(A) A mixed martial arts contest may end under the following results:

(1) Submission:

(a) Tap out: when a contestant physically uses his/her hand(s) to indicate that he/she no longer wishes to continue.



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(b) Verbal tap out: when a contestant verbally announces to the referee that he/she does not wish to continue.

(2) Knockout “(KO)”: failure to rise from the canvas as a result of a strike to the body or head.

(3) Technical knockout “(TKO)”:

(a) Referee stops bout because a contestant can no longer defend himself/herself; or

(b) Ringside physician advises referee to stop bout; or

(c) When an injury as a result of a legal maneuver is severe enough to terminate the bout.

(4) Decision via scorecards:

(a) Unanimous: when all three (3) judges score the bout for the same contestant.

(b) Split decision: when two (2) judges score the bout for the same contestant and one (1) judge scores for the opponent.

(c) Majority decision: when two (2) judges score the bout for the same contestant and one (1) judge scores the bout a draw.

(5) Draws:

(a) Unanimous: when all three (3) judges score the bout a draw;

(b) Majority: when two (2) judges score the bout a draw;

(c) Split when all three (3) judges score it differently and the score total results in a draw.

(6) Disqualification: when an injury sustained during competition as a result of an intentional foul that is severe enough to terminate the contest.

(7) Forfeit: when a contestant fails to begin competition or prematurely ends the contest for reasons other than injury or indicating a tap out.

(8) Technical draw:

(a) When an injury sustained during competition, as a result of an intentional foul, causes the injured contestant to be unable to continue and the injured contestant is even or behind on the score cards at the time of the stoppage.

(b) When an injury sustained during competition, as a result of an unintentional foul, causes the injured contestant to be unable to continue and the sufficient number of rounds have been completed with the results of the scorecards being a draw.

(9) Technical decision: when the bout is prematurely stopped due to an injury and a contestant is leading on the scorecards.

(10) No contest: when a contestant is prematurely stopped due to accidental injury and a sufficient number of rounds have not been completed to render a decision via the scorecards.

**20-27.18. Seconds' and Managers' duties when working in a corner.**

(A) Except for title fights, there may be no more than three (3) licensed seconds positioned in a designated area by the ring or cage or positioned in each corner of the ring. Four (4) corners may be allowed in the corner for title fights.

(B) No person other than the contestants and referee shall enter the ring or cage during a bout.

(C) The referee may, in his/her discretion, stop a contest if an unauthorized person enters the ring or cage during a round.

(D) Only two (2) seconds may enter the cage to tend to a fighter between rounds. In case of an open cut, a medical person, or cut person may also enter the cage.

(E) There shall not be any loud yelling or profanity from anyone working the corner.

(F) Seconds, trainers and managers must not attempt to heckle, hinder, disrupt or otherwise annoy his/her fighter's opponent, officials, Commission Representatives, or other seconds during an event.

(G) If a manager or second leaves the designated area the fighter will be disqualified at the discretion of the Commission.

(H) A fighter getting knocked out of a ring and onto the floor must get back into the ring within twenty (20) seconds without assistance from anyone working his/her corner.

(I) Any person violating any rule working the corner will be disqualified for the remainder of the event and suspended for a minimum of sixty (60) days. An appeal must be submitted in writing to the Athletic Commission office within ten (10) days from the date of said violation.

(J) Any second may terminate the performance of his/her fighter he/she is serving either between rounds or during the progress of any round in which such fighter is a contestant.

(K) No seconds or managers shall attempt to render aid to a disabled fighter before the ringside physician has had an opportunity to examine the fighter.

**20-27.19. Disciplinary action.**

(A) All contestants and participants may be disciplined for any violation of the South Carolina athletic laws, rules and regulations.

(B) The administrator, inspector or a Commission Representative shall suspend a contestant for any violation to include but not be limited to failing any drug test, as established in Regulation 20-3.8.

(C) A contestant will be suspended for a period of not less than one (1) year for participating in any mixed martial arts events in the state of South Carolina not sanctioned and approved by the South Carolina Athletic Commission.

(D) If a licensed professional mixed martial arts contestant competes against an amateur he/she will be suspended for a period of not less than one (1) year or a maximum of two (2) years.

(E) After signing a contestant/promoter contract form, a contestant shall not enter into another contracted bout that is scheduled thirty (30) days prior to the previously signed contract. If the contestant participates in a bout within this thirty (30) day time period and as a result of participating in said event is not able to participate

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in the originally contracted event, said contestant shall be suspended for up to six (6) months and be assessed a fine of not more than five hundred (\$500.00) dollars at the discretion of the South Carolina Athletic Commission unless all parties agree to a release from the contract. A contestant wishing to appeal a notice of suspension must do so via registered mail to the Commission within thirty (30) days of the mailing date of the notice of suspension.

(F) When the contestant fails to appear in a contest in which he/she signed a bout agreement to appear, he/she shall be suspended for not more than six (6) months. The contestant must produce a valid certificate from a physician and approved by the administrator or Commission representative in the case of any physical disability. Any contestant who files a certificate from a physician stating he/she is unable to fulfill a bout agreement because of physical disability, shall be immediately given a medical suspension for a period of sixty (60) days and must submit a medical clearance or fulfill his/her bout agreement with the same opponent or a suitable substitute within the sixty (60) day suspension period. The administrator or Commission representative may remove any suspension if the contestant is released from the bout agreement by mutual agreement between the contestant and promoter.

(G) A contestant who fails to make the required weight listed on the contestant/promoter contract form, which results in the bout being cancelled, the contestant will be suspended for up to six (6) months and assessed a fine to be determined by the South Carolina Athletic Commission. A contestant wishing to appeal a notice of suspension must do so via registered mail to the Commission within thirty (30) days of the mailing date of the notice of suspension.

(H) If after the weigh-in a contestant fails to honor the contestant/promoter bout contract by not appearing for the bout, or refuses to compete, the contestant shall be suspended for up to twelve (12) months and assessed a fine to be determined by the South Carolina Athletic Commission. A contestant wishing to appeal a notice of suspension must do so via registered mail to the Commission within thirty (30) days of the mailing date of the notice of suspension.

(I) A contestant or promoter will be suspended indefinitely, until payment is made in full of any judgment awarded by a court of law that is presented to the South Carolina Athletic Commission for any violations.

(J) A contestant, manager, trainer, or any representative of the contestant, shall not verbally harass any official representing the South Carolina Athletic Commission, before, during, or after any event regulated by the South Carolina Athletic Commission. This includes, but is not limited to, an inspector, referee, judge, timekeeper, physician, Commission member, or anyone assigned by, or representing the South Carolina Athletic Commission. Any contestant or person representing the contestant violating this rule will cause them or the contestant to be suspended for a period no longer than one (1) year. The suspension must be appealed within thirty (30) days after receiving notice from the Commission; otherwise, the contestant forfeits his/her right to appeal after said thirty (30) day period.

(K) A contestant, manager, trainer, or any representative of the contestant, shall not verbally or physically abuse any official representing the South Carolina Athletic Commission, before, during or after any event regulated by the South Carolina Athletic Commission. This includes, but is not limited to, an inspector, referee, judge, timekeeper, physician, Commission member, or anyone assigned by, or representing the South Carolina Athletic Commission. Any contestant or person representing the contestant violating this rule will cause them or the contestant to be suspended indefinitely. The suspension must be appealed within thirty (30) days after receiving notice from the Commission; otherwise, the contestant forfeits his/her right to appeal after said thirty (30) day period.

### **Fiscal Impact Statement:**

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

**Statement of Rationale:**

The updated regulations will detail unauthorized substances and establish disciplinary actions up to four offenses for drug tests detecting the presence of these substances. They will loosen requirements for refreshments at events, clarify that suspension rules relate to boxers who are medically suspended, establish the fine for failing to timely apply for a permit to hold a boxing match or wrestling event, conform maximum age limitations to statute, establish that contacts or corrective lenses are prohibited in boxing, clarify blood testing requirements, and provide certain guidance regarding rules for the events themselves, including weight classes. The regulations will also clarify the regulation of events that are not described in the Code.

Document No. 5306  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BUILDING CODES COUNCIL**  
 CHAPTER 8  
 Statutory Authority: 1976 Code Sections 6-8-20 and 40-1-70

8-150. Continuing Education.

**Synopsis:**

The South Carolina Building Codes Council proposes to amend R.8-150(6)(F) regarding the limitation on reimbursement for continuing education to 12 hours per year for building code enforcement officers.

A Notice of Drafting was published in the State Register on July 26, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

8-150. Continuing Education.

(1) To qualify for registration renewal, a registrant must accumulate a minimum of twenty-four (24) hours per registration cycle of continuing education. The reporting period is from July 1 to June 30 of each odd numbered year and hours cannot be carried over to the next registration cycle.

(2) One (1) hour of continuing education shall be awarded for each hour of active participation in any course, seminar, workshop, session or other training medium approved by Council. One (1) hour of continuing education credit shall also be awarded for each ICC examination passed during the licensing cycle.

(3) For each registration cycle, a minimum of eighteen continuing education hours must be earned in technical topics. For each registration cycle, a maximum number of six hours may be earned in management, ethics, or other professional development type training.

(4) If the first period of registration is less than twenty-four (24) months, continuing education required for the first registration renewal must be based on the following:

A. For registrations issued one (1) to four (4) months before expiration, no hours.

B. For registrations issued four (4) to eight (8) months before expiration, four (4) hours.

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- C. For registrations issued eight (8) to twelve (12) months before expiration, eight (8) hours.
- D. For registrations issued twelve (12) to sixteen (16) months before expiration, twelve (12) hours.
- E. For registrations issued sixteen (16) to twenty (20) months before expiration, sixteen (16) hours.
- F. For registrations issued twenty (20) to twenty-four (24) months before expiration, twenty (20) hours.
- G. For each subsequent registration, a minimum of twenty-four (24) hours will be required.

(5) Continuing education accrued to qualify for registration reinstatement shall not count towards the required continuing education for the new registration cycle.

(6) In order to receive reimbursement of continuing education costs from the Council, the registrant must submit by June 30 of each year a reimbursement request on a Council-approved form and meet the following requirements:

- A. Registrant must have an active registration.
- B. The continuing education must be selected from a list of courses approved by the Council.

C. Registrant's participation in the continuing education must be approved by the Council prior to the course registration date.

1. For approval requests received after the course registration date, the Council will only pay the advance registration fee. Registrant or jurisdiction shall be responsible for any additional or late fees.

2. If the approval request exceeds the maximum payment per credit hour as established by the Council, registrant or jurisdiction shall be responsible for any costs in excess of the per-hour maximum.

D. The pre-approved continuing education course must be successfully completed by the registrant. If the course is not successfully completed by the registrant and was prepaid by the Council, then registrant or the jurisdiction must reimburse the Council for the prepaid fee.

E. The continuing education shall not exceed six credit and/or training hours per one calendar day.

F. The number of hours claimed for reimbursement shall not exceed a total of 24 credit hours per registration cycle, and the Council may limit reimbursement of continuing education to a maximum of 12 hours per year.

G. If credit is claimed for passing an ICC examination(s), registrant must submit proof of the examination results.

(7) For each registration cycle, a registrant may earn up to twelve (12) continuing education hours through Council approved self-paced courses.

(8) Proof of continuing education compliance will be conducted by audit at the discretion of the Council.

(9) The Council, by majority vote, may alter or waive any continuing education requirements during a state of emergency.

(10) A registrant experiencing physical disability, illness or other extenuating circumstances may apply for waiver of continuing education requirements on a Council-approved form with supporting documentation. Such request for a waiver is subject to review and approval by the Council or its designated representative.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

The South Carolina Building Codes Council proposes to amend R.8-150(6)(F) regarding the limitation on reimbursement for continuing education to 12 hours per year for building code enforcement officers. Specifically, the regulation, as written, limits access to funding for training that exceeds 12 hours per year. The amendment is anticipated to modify the language to allow reimbursement in excess of 12 hours under certain circumstances.

Document No. 5307

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

Statutory Authority: 1976 Code Sections 40-13-60 and 40-13-70

35-13. Out of State Applicants.

**Synopsis:**

The State Board of Cosmetology proposes revising its regulations regarding licensure for out-of-state applicants.

A Notice of Drafting was published in the State Register on August 23, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

35-13. Endorsement Licensure.

A person currently licensed to practice in another state or territorial possession of the United States, or the District of Columbia, whose license is in good standing, may be issued a license in this State by endorsement upon submission of an application and the applicable fee, and showing that the person has:

- (a) satisfactorily passed a nationally recognized examination for entry into the profession; or
- (b)(i) been licensed for at least two years in another state or territorial possession of the United States or the District of Columbia, and
- (ii) completes four hours of Board-approved continuing education, either in person or online, in South Carolina state laws and regulations, client safety, and/or infection control to include sanitation and disinfection. Completion of these hours will also satisfy the continuing education requirements for renewal of this license for the subsequent licensing period immediately following the issuance of the license.

**Fiscal Impact Statement:**

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

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### Statement of Rationale:

The proposed regulation would allow applicants who have been licensed for two years in another state and whose licenses are in good standing to complete four hours of South Carolina continuing education as an alternative means of licensure by endorsement in addition to licensure by passage of a national exam.

**Document No. 5276**  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE BOARD OF COSMETOLOGY**  
**CHAPTER 35**  
Statutory Authority: 1976 Code Section 40-13-70

35-20. Sanitary and Safety Rules for Salons and Schools.

### Synopsis:

The South Carolina Board of Cosmetology proposes revising its regulations regarding the practice of esthetics generally, and will consider revising R.35-20.

A Notice of Drafting was published in the State Register on January 26, 2024.

### Instructions:

Print the regulation as shown below. All other items remain unchanged.

### Text:

35-20. Sanitary and Safety Rules for Salons and Schools.

(A) Enforcement.

(1) The holder or holders of a salon license or a school license, and the person in charge of any such salon or school, shall be liable for implementing and maintaining the sanitary rules in such salon or school individually and jointly with all persons in or employed by or working in or on the premises of such salon or school. All licensed cosmetologists, instructors, nail technicians and estheticians shall be held individually liable for implementation and maintenance of the sanitary rules applicable to them.

(2) To assure compliance with the laws and regulations governing the operations of salons and schools, a Board designated representative shall have access to the premises of any salon or school, at any time that the instruction or practice of cosmetology and related professions are being conducted. Cosmetology related professions include but are not limited to nail technology, esthetics, and instructor training programs.

(3) Refusal to permit, or interference with, an inspection constitutes a cause for disciplinary action.

(4) A licensee's failure to observe all rules and regulations on sanitation and to maintain adequate precautionary measures for the public's protection and safety is cause for disciplinary action up to revocation of license. Failure to display, in full public view, all licenses applicable to the salon or school and the persons therein engaged in the practice of cosmetology and related professions as well as the sanitary rules and regulations and the sanitary rating given to said salon or school, is sufficient cause for revocation of licenses.

(5) A salon's or school's failure to receive a passing inspection is sufficient cause for disciplinary action up to revocation of license, if not corrected by the next inspection. Thirty days thereafter the board may schedule a show cause hearing in accordance with the provisions as established by the statutes regulating cosmetology.

**(B) Rules.**

(1) Every salon and school must occupy a separate building, or part of a building, which is suitable to render adequate sanitary services to the public, wherein cosmetology or related professions may be taught or practiced. Salons and schools must be separated from each other by a solid wall from the floor to the ceiling and separate entrances.

(2) Salons and schools shall comply with all state and local building, plumbing and electrical codes.

(3) Salons and schools shall comply with all relevant and current federal/state workplace safety laws.

(4) The use of a salon or school as living, dining or sleeping quarters is prohibited.

**(C) Residential Salons.**

(1) Residential salons must maintain a separate entrance for clients, which entrance shall not open from the living, dining or sleeping quarters, and all doors previously opening into such quarters must be permanently sealed.

(2) No portion of the salon may be used as a portion of a private residence.

(3) Entrances must permit patrons to enter salon directly without requiring passage through any portion of the residence.

(4) Separate toilet facilities for patrons must be provided apart from the living quarters.

**(D) Physical Facilities of Salons and Schools.**

(1) Cleanliness and Repair. Each salon and school must keep the floors, walls, woodwork, ceilings, furniture, furnishings, and fixtures clean and in good repair.

(2) Water Supply. Each salon and school must provide a supply of hot and cold running water.

(3) Toilet Facilities. Each salon and school must provide toilet and hand washing facilities consisting of at least one commode and one lavatory in good working order, with hot and cold running water, soap and disposable towels. Restrooms may not be used for storage.

(4) Drinking Water. Each salon and school must supply potable drinking water.

**(E) Animals in Salons and Schools.**

No person may bring any animal into, permit any animal to be brought into, or permit any animal other than a service animal for the disabled to remain in, a salon or school.

**(F) Infectious Disease.**

(1) Licensees must not permit any person afflicted with a known infestation of parasites or with a known infectious or communicable disease which may be transmitted during the performance of the acts of cosmetology or related professions, to work or train in a salon or in a school.



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(2) No salon or school may knowingly require or permit a student or person licensed by the Board of Cosmetology to work upon a person known to suffer from any infectious or communicable disease, which may be transmitted during the performance of the acts of cosmetology or related professions.

(3) No salon or school may require or allow a student or licensee of the Board of Cosmetology to perform any service on a patron with a known infestation of parasites.

### (G) Personal Cleanliness.

**Washing Hands.** Every person performing cosmetology or related services in a salon or school must thoroughly clean his or her hands with soap and water or any equally effective hand sanitizer before serving each patron.

### (H) Implements, Supplies and Materials.

Licensees and students must dispose of all porous supplies or materials which come in direct contact with a patron and cannot be disinfected (for example, cotton pads, nail abrasives/buffers and neck strips) in a covered waste receptacle immediately after their use or when the service is completed.

### (I) Disinfecting Nonelectrical Instruments and Equipment.

(1) Before use upon a patron, all non-electrical, non-porous implements, instruments and accessories used in the practice of cosmetology, nail technology, and esthetics must be disinfected in the following manner:

(a) clean with soap (or detergent) and water or a chemical cleaner, rinse, and dry completely; then

(b) totally immerse implements in, or spray/wipe, with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, pseudomonacidal and virucidal activity used according to manufacturer's instructions including concentration and contact time requirements. Alcohol is not an acceptable disinfecting agent. Bleach products must have an EPA registration for hospital-level disinfection.

(2) All disinfected implements must be stored in a clean, dry, covered container such as a clean drawer or cabinet.

(3) The disinfectant solutions specified in Regulation 35-20(I)(1):

(a) shall remain covered at all times;

(b) shall be changed daily or sooner if visible debris is present or becomes cloudy, per the manufacturer's label; and

(c) shall be of sufficient size to accommodate all implements including handles.

(4) All nondisinfected implements (those that have been used on a patron or soiled in any manner) must be placed in a closed receptacle labeled "soiled" or "items to be disinfected" until such time as they can be properly disinfected.

### (J) Disinfecting Electrical Implements.

(1) Licensees and students must disinfect clippers, scalp vibrators, and other electrical implements prior to each use by:

(a) first removing all foreign matter; and

(b) disinfecting with EPA-registered disinfectant with demonstrated bactericidal, fungicidal, pseudomonacidal and virucidal activity used according to manufacturer's instructions, including contact time requirements. The following are accepted methods of disinfection: sprays, wipes or immersion.

(2) All disinfected electrical implements shall be stored in a clean manner between uses. Acceptable storage would be on a clean towel, covered by a clean towel, hooked on the side of the station, in a drawer that is disinfected daily or in a plastic/rubber "bucket" installed in the station and disinfected daily.

(3) Towel warmers must be disinfected daily. Salons using hot steam towels in service must meet these requirements:

(a) Towels must be washed with detergent and bleach, and then dried on "hot".

(b) Practitioners preparing towels for the warmers must first wash their hands or wear gloves.

(c) Wet towels used in services must be prepared fresh each day. At the end of the day, unused steamed towels must be removed and laundered as described in Regulation 35-20(J)(3).

(4) Pedicure bowls, tubs or basins.

(a) After each client:

(i) Drain tub completely.

(ii) Clean with soap/detergent and brush to remove all film from bowl.

(iii) Fill tub with clean water and drain.

(iv) Fill tub with clean water and add EPA registered disinfectant that is bactericidal, fungicidal, pseudomonacidal and virucidal at the proper concentration as indicated on the manufacturer's label.

(v) In non-circulating tubs, allow clean water and EPA registered disinfectant that is bactericidal, fungicidal, pseudomonacidal and virucidal to stand for contact time listed on the manufacturer's label. In circulating tubs, allow EPA registered disinfectant that is bactericidal, fungicidal, pseudomonacidal and virucidal to circulate for contact time listed on the manufacturer's label.

(vi) Drain tub, fill with clean water and drain prior to filling for client use.

(b) At the end of the day

(i) Drain tub completely.

(ii) Remove all removable parts, and scrub tub and all removable parts with soap/detergent and brush.

(iii) Rinse all removable parts and immerse in EPA registered disinfectant that is bactericidal, fungicidal, pseudomonacidal and virucidal mixed at the proper concentration for the contact time listed on the manufacturer's label.

(iv) Fill tub with clean water and add EPA registered disinfectant that is bactericidal, fungicidal, pseudomonacidal and virucidal mixed at the proper concentration as indicated on the manufacturer's label.

(v) In non-circulating tubs, allow the disinfectant to stand for contact time listed on the manufacturer's label. In circulating tubs, allow the disinfectant to circulate for contact time listed on the manufacturer's label.

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(vi) Drain tub and replace removable parts. Fill tub with clean water and drain prior to filling for client use.

(vii) Implements that are considered semi-critical, such as microdermabrasion wands, should either be disposable or be treated with high-level disinfection by immersing in an enzyme detergent for a minimum of fifteen (15) minutes, rinsing, scrubbing both internally and externally using a wire bristle brush, and then immersing in an EPA registered disinfectant for a minimum of 10 minutes.

### (K) Liquids, Creams, Powders and Other Cosmetic Preparations.

(1) Storage. All liquids, creams and other cosmetic preparations must be kept in clean, closed and properly labeled containers. Powders may be kept in a clean shaker.

(2) Removal from Container. When only a portion of a cosmetic preparation is to be used on a patron, licensees and students must remove it from the container using a disposable or single use spatula so as not to contaminate the remaining portion. Cosmetic pencils must be sharpened after each use. Cosmetic pencil sharpeners must be disinfected after each use.

(3) Paraffin which was removed for single use may not be returned to the paraffin warmer.

(4) Wax for hair removal services must be kept clean of debris.

(a) Wax must be removed to a single use container or removed with a single use spatula that may not be re-dipped (including using the other end) into the wax pot.

(b) Wax pot must be completely emptied and disinfected if contaminated by double dipping or debris.

### (L) Headrests, Shampoo Bowls, and Treatment Tables.

(1) Licensees and students must cover the headrest of chairs with a clean towel or disposable paper sheet for each patron.

(2) Shampoo trays and bowls must be cleansed with soap and water after each shampoo and disinfected daily, including the front of the bowl that may come in contact with the client and kept in good repair at all times.

(3) Licensees and students must cover treatment tables with a clean sheet of disposable examination paper or clean linens for each patron. Tables must be disinfected between services, prior to covering with paper or linen; sprays or wipes are acceptable as defined in Regulation I (1)(A) and (B).

### (M) Towels.

(1) Used, disposable towels must be discarded. After a cloth towel has been used once, it must be deposited in a closed, vented receptacle, labeled "soiled linens" and shall not be used again until properly laundered.

(2) Proper Methods of Laundering. Used towels must be laundered either by regular commercial laundering or by a noncommercial laundering process which includes washing on the "hot" setting and drying until all moisture is gone and towels are hot to the touch from the dryer.

(3) Storage. All clean towels must be stored in a clean, closed cabinet or container.

### (N) Bottles and Containers.

Licensees and students must clearly, distinctly and properly label in English all bottles and containers in use in a school or salon to disclose their contents. All bottles containing poisonous or potentially hazardous substances shall be additionally and distinctly marked as such.

(O) Neck Strips.

Licensees and students must use disposable neck strips or clean towels to keep the protective covering from coming in direct contact with a patron's neck. Protective coverings (capes) must be properly laundered after chemical treatments on a patron.

(P) Implements, Products and Procedures.

Licensees may not use any of the following substances, products or tools while performing cosmetology or related services:

- (1) Methyl Methacrylate Liquid Monomers (MMA).
- (2) Razor-type callus shavers designed and intended to cut growths of skin such as corns and calluses (e.g. credo blades, rasps).
- (3) Alum or other astringents in stick or lump form (alum or other astringents in powder or liquid form are acceptable).
- (4) Fumigants such as formalin (formaldehyde) tablets or liquids.
- (5) Garra rufa fish used in "fish procedures."
- (6) The use of any product, preparation, device or procedure that cuts, destroys, or alters living tissue is strictly prohibited. Products, preparations, devices, machines, or implements used in providing skin care to beautify the surface of the skin must be over-the-counter, non-prescriptive, and externally applied to the epidermis; however, devices, machines, or implements intended to pierce or puncture the superficial surface of the skin must not penetrate to a depth greater than 1.4 mm. Cosmetologists and estheticians may utilize FDA cleared or approved non-prescriptive, over-the-counter electric medical devices and machines that do not cut, destroy, or alter living tissue, only if the device is approved for general use and is used solely for esthetic purposes. Documentation regarding electric devices and machines, including information regarding any FDA clearance or approval and FDA classification, must be maintained on the licensed premises and be available for review by Board inspectors or investigators. Exfoliation treatments, whether manual, mechanical, or chemical, should only remove the non-living surface epidermal skin cells, and must not remove cells beyond the basal layer of the epidermis, also known as the stratum germinativum. In addition, peels or chemical exfoliants must not have a pH level, either individually or in combination, of less than 2.5.
- (7) Roll on wax must be single-use only and disposed of after each use.
- (8) Ultraviolet (UV) Sterilizers or light boxes are prohibited, unless used for storage of disinfected implements. They are not acceptable infection control devices.
- (9) Autoclaves and autoclave packaging of tools are prohibited unless regular (at least once per month but not more than 30 days between tests) spore tests are performed by a contracted laboratory. If a positive spore test is received, the autoclave may not be used until a negative spore result is received.
- (10) Electric files or drills not specifically manufactured for use on human nails are prohibited.

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(11) Possession on licensed premises, or by a licensee, of any item(s) listed in this section is a violation under this chapter.

### Fiscal Impact Statement:

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

### Statement of Rationale:

The updated regulations will reflect advances made in the esthetics industry since these regulations were first enacted. These regulations would parallel existing law used by the Board of Medical Examiners to distinguish the practice of esthetics from the practice of medicine. They would clarify the types of medical devices that are limited to use by medical professionals and would ensure that as new devices emerge, a standard exists in regulation by which their use may be evaluated and sanctioned if not limited to use by medical professionals. The regulations also relax requirements for laundering protective coverings when unnecessary, clarify that roll-on wax is allowed but for single use only, and provide that UV sterilizers or light boxes are permitted for storage of disinfected implements.

Document No. 5309  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE BOARD OF COSMETOLOGY**  
CHAPTER 35

Statutory Authority: 1976 Code Sections 40-13-60 and 40-13-70

### 35-5.1. Licensure Application. (New)

#### Synopsis:

The State Board of Cosmetology proposes revising its regulations to add a regulation requiring all applications for initial licensure, endorsement licensure, and renewal and reinstatement licensure to be accompanied by a current 2 x 2 photograph that will be affixed to the license issued.

A Notice of Drafting was published in the State Register on June 28, 2024.

#### Instructions:

Print the regulation as shown below. All other items remain unchanged.

#### Text:

### 35-5.1. Licensure Applications.

All applications for licensure, including initial licensure, endorsement licensure, renewal and reinstatement licensure, must be accompanied by a 2x2 photograph that will be affixed to the license issued. The Department will provide guidance on its website for submitting photographs or digital images.

In the alternative, applicants and licensees may grant the Department permission to obtain and use the applicant's photograph on file with the South Carolina Department of Motor Vehicles if available.

### Fiscal Impact Statement:

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

**Statement of Rationale:**

The updated regulations will afford additional protections to the public to ensure that individuals who are providing services to the public are the same individuals who have been vetted by the board and have satisfied the legal requirements for licensure in this state.

Document No. 5334

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

Statutory Authority: 1976 Code Sections 40-1-70 and 40-75-60

36-15. Reinstatement of Lapsed Licenses.

**Synopsis:**

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-15 to conform the language to statute. Additionally, the Board proposes to review and update Chapter 36 generally to conform to current standards and requirements regarding Psycho-Educational Specialists, particularly but not limited to R.36-13, 36-17 and 36-25.

A Notice of Drafting was published in the State Register on April 26, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

36-15. Reinstatement of Lapsed Licenses.

(1) A licensed professional counselor, marriage and family therapist, addiction counselor, psycho-educational specialist, professional counselor supervisor, marriage and family therapist supervisor, or addiction counselor supervisor whose license has been lapsed for fewer than five (5) years may reinstate the license upon submitting an application, payment of fees for each licensing period during which the license was lapsed, along with the required reinstatement fee, and providing proof satisfactory to the Board on a form approved by the Board of completion of the requisite continuing education hours for each year during which the license was lapsed. 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, addiction counselor, psycho-educational specialist, professional counselor supervisor, marriage and family therapist supervisor, or addiction counselor supervisor whose license has been lapsed for more than five (5) years must submit an application for reinstatement, pay the required reinstatement fee, and appear before the Board to determine if the license should be reinstated and the terms under which the reinstatement is to be made.

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

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### Fiscal Impact Statement:

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

### Statement of Rationale:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-15 to conform requirements for reinstatement of a license to the parameters established in S.C. Code Section 40-75-250(D). Additionally, reference is added in the same section to addiction counselor supervisors, a licensure category that was inadvertently omitted when the regulations were updated following passage of the law requiring the Board to license and regulate addiction counselors.

Document No. 5354

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

Statutory Authority: 1976 Code Sections 40-1-70 and 40-75-60

- 36-04. Licensing Provisions for Professional Counselor Associate.
- 36-07. Licensing Provisions for Marriage and Family Therapy Associates.
- 36-09. Licensing Provisions for Licensed Marriage and Family Therapy Supervisors.
- 36-16. Continuing Education Requirements for Professional Counselors, Addiction Counselors and Marriage and Family Therapists.
- 36-17. Continuing Education Requirements for Psycho-Educational Specialists.

### Synopsis:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-04 and R.36-07 regarding educational requirements for Licensed Professional Counselor associates and Marriage and Family Therapist associates, and to amend continuing education requirements for licensees of the Board to conform to Act 158 of the 2024 legislative session.

A Notice of Drafting was published in the State Register on June 28, 2024.

### Instructions:

Print the regulation as shown below. All other items remain unchanged.

### Text:

#### ARTICLE 3

#### LICENSING PROVISIONS

- 36-04. Licensing Provisions for Professional Counselor Associates.

An applicant for initial licensure as a professional counselor associate must:

- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) show evidence of graduation from a minimum sixty (60) graduate semester hours Clinical Mental Health counseling program accredited by CACREP at the time of graduation; or
- (3) submit evidence of successful completion of a master's degree, specialist's degree or doctoral degree with a minimum of sixty (60) graduate semester hours primarily in counseling from a program accredited by a national educational accrediting body such as CACREP or one that requires and follows substantially similar educational standards, and from a college or university accredited by the Commission on the Colleges of the Southern Association of Colleges and Schools, one of its transferring regional associations, the Association of Theological Schools in the United States and Canada, or a regionally-accredited institution of higher learning subsequent to receiving the graduate degree. A school may submit a program to the Board for review and determination as to whether it meets substantially similar education standards;
- (4) submit evidence of a passing score on examinations approved by the Board; and
- (5) submit a supervision plan, satisfactory to the Board, designed to take effect after notice of licensure as a Licensed Professional Counselor Associate. The supervision plan can be submitted with the application, or after the applicant obtains employment; however, an associate cannot begin providing counselor services until a completed supervision plan is submitted to and received by the Board; and

36-07. Licensing Provisions for Marriage and Family Therapy Associates.

An applicant for initial licensure as a marriage and family therapy associate must:

- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) submit proof of graduating from a minimum of a sixty (60) graduate semester hours program accredited by COAMFTE or from a minimum of a sixty (60) graduate semester hours marriage, couple and family counseling specialty program accredited by CACREP; or
- (3) submit evidence of successful completion of a master's degree, specialist's degree or doctoral degree with a minimum of sixty (60) graduate semester hours in marriage and family therapy from a program accredited by a national educational accrediting body such as COAMFTE or one that requires or follows substantially similar educational standards, or from a marriage, couple and family counseling specialty program accredited by CACREP; or a post-degree program accredited by COAMFTE or one that requires or follows substantially similar educational standards; and from a college or university accredited by the Commission on the Colleges of the Southern Association of Colleges and Schools, one of its transferring regional associations, the Association of Theological Schools in the United States and Canada, or a regionally accredited institution of higher learning subsequent to receiving the graduate degree. A school may submit a program to the Board for review and determination as to whether it meets substantially similar education standards.
- (4) submit evidence of a passing score on examinations approved by the Board; and
- (5) submit a supervision plan, satisfactory to the Board, designed to take effect after notice of licensure as a Licensed Marriage and Family Therapy Associate. The supervision plan can be submitted with the application, or after the applicant obtains employment; however, an associate cannot begin providing marriage and family therapy services until a completed supervision plan is submitted to and received by the Board.

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

An applicant for licensure as a marriage and family therapy supervisor must:



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- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) hold a current, active, and unrestricted South Carolina Marriage and Family Therapy License; and
- (3) either (a) or (b):

(a) hold a doctoral degree in marriage and family therapy or in a CACREP accredited marriage, couple and family counseling specialty, or

(b) provide:

(i) evidence acceptable to the Board of at least five (5) years of continuous clinical experience immediately preceding the application; and

(ii) evidence of a minimum of thirty-six (36) hours of individual/triadic supervision, over a period of no less than two (2) years, by a Board licensed marriage and family therapy supervisor or other qualified mental health practitioner approved by the Board prior to beginning supervision, of the applicant's supervision of at least two (2) and no more than six (6) marriage and family therapy associates; and

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

### ARTICLE 4

#### CONTINUING EDUCATION

36-16. Continuing Education Requirements for Professional Counselors, Addiction Counselors and Marriage and Family Therapists.

(1) Persons licensed as professional counselors, addiction counselors, or marriage and family therapists shall complete forty (40) hours of Board-approved continuing education, of which thirty-three (33) hours must be related to their respective professional license, one hour must be in suicide assessment, treatment and management treatment, and six (6) hours must be specific to ethical standards related to their respective professional license during every two-year licensure period. A first-time licensee is not required to obtain continuing education for the licensing period in which the initial license was obtained. After this first renewal, the continuing education requirements shall apply. Persons holding more than one license must complete fifty (50) hours of continuing education during every two-year licensure period as a condition of renewal of their licenses. Of the fifty (50) hours, six (6) hours must be specific to ethical standards, one hour must be in suicide assessment, treatment, and management treatment, and the remaining forty-three (43) hours divided as equally as possible among the related disciplines. Persons licensed as professional counselor supervisors, addiction counselor supervisors, or marriage and family therapy supervisors must complete ten (10) hours of continuing education in supervision of their discipline during every two-year licensure period as a condition of renewal of their license. Persons holding multiple supervision licenses must complete ten (10) hours of continuing education in supervision, dividing the hours as equally as possible among each discipline.

(2) Any continuing education program sponsored by a professional counselor certifying body, addiction counselor certifying body, marriage and family therapy certifying body, or body approved by the Board as a continuing education sponsoring body, or one of its regional or state divisions, is automatically approved.

(3) Unapproved sponsoring organizations must request advance approval on Board-approved forms ninety (90) days prior to each continuing education event. In order to request approval, the sponsoring organization must submit an agenda of the session, the curriculum vitae of all presenters and a copy of the evaluation documents.

(4) Continuing education hours may be obtained through continuing education programs and activities provided by Board-approved continuing education providers, or licensees may obtain up to twenty (20) hours of the required continuing education per two-year licensure period by completing one or more of the following:

(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

(5) No hours may be carried forward from the renewal period in which they were earned.

(6) Continuing education credit may be obtained in person or obtained online.

### 36-17. Continuing Education Requirements for Psycho-educational Specialists.

(1) Persons licensed as psycho-educational specialists shall complete forty (40) hours of continuing education of which thirty-three (33) hours must be related to their respective professional license, one hour must be in suicide assessment, treatment, and management treatment, and six (6) hours must be specific to ethical standards related to their respective professional license during every two-year licensure period. Persons licensed as a psycho-educational specialist and a professional counselor, marriage and family therapist and/or an addiction counselor must complete at least 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, six (6) hours must be specific to ethical standards related to their respective professional license, one must be in suicide assessment, treatment, and management treatment, and the remaining forty-three (43) hours should be divided as equally as possible among the related disciplines.

(2) Continuing education credit may be obtained in person or online.

(3) 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 associates, 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 associates. 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.

### **Fiscal Impact Statement:**

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

### Statement of Rationale:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to its regulations regarding licensure requirements to clarify the requirement for at least a 60-hour graduate degree and to strike the grandfathering provision that is no longer needed. Similar changes are proposed for licensed professional supervisors to allow those with doctoral degrees a more direct pathway to licensure as a supervisor. The regulation also adds an hour of continuing education in suicide assessment, treatment and management treatment to conform to Act 158 of the 2024 legislative session.

Document No. 5355  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE BOARD OF DENTISTRY**  
**CHAPTER 39**

Statutory Authority: 1976 Code Section 40-15-40

39-5. Registration of Licenses or Certificates.

39-19. Temporary Restricted License for Live Patient Continuing Education. (New)

### Synopsis:

The South Carolina Board of Dentistry proposes to amend its regulations, appearing in Chapter 39 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J). Proposed changes include, but are not limited to, continuing education credit for dental instructors, updated procedures allowed by dental hygienists, dental assistants and enhanced dental assistants, and temporary live-patient CE dental license.

The Notice of Drafting was published in the State Register on May 24, 2024.

### Instructions:

Print the regulation as shown below. All other items remain unchanged.

### Text:

39-5. Registration of Licenses or Certificates.

A. Every licensed dentist or dental hygienist and every registered technician shall keep the Board informed of their current mailing address.

B. The Board will notify any dentist, dental hygienist or technician of the expiration of his/her license or certificate.

C. Any person whose license or certificate has expired and who wishes to have the same reinstated must notify the Board of this in writing. Such notification must set forth the reasons for seeking to have the same reinstated and the reasons why the same has expired. Thereafter the Board may require a reexamination of the person whose license or certificate has expired or may require the person to appear before the Board and explain why the license or certificate has expired.

D. In Section 40-15-170 of the Code of Laws of South Carolina, 1976, there is a requirement that affects your license: "The license of a dentist or dental hygienist who does not either reside or practice in South Carolina for a period of six successive years shall be deemed inactive. Provided, that the time spent in active service by any person in the armed forces or public health service of the United States or with the Veterans' Administration

shall not be construed as absence from or failure to practice in the State. Relicensing after an absence of over six years can be made at the discretion of the Board upon proof of high professional fitness and moral character.”

E. Relicensing can be made at the discretion of the Board upon proof of high professional fitness and moral character.

F. Each licensed dentist, licensed dental hygienist and registered dental technician shall complete as a requirement for relicensure the following accredited continuing education on the two-year renewal cycle basis. The licensee/registrant shall certify on the relicensure or registration form that he/she has taken and can verify the required number of hours specified below. Verification shall be in the form of a record of courses taken, continuing hours earned, the date, sponsor and subject matter of the courses. This material shall be maintained for a period of three years from the date of verification to the Board upon licensure/reregistration and, upon request of the State Board or its representative, the licensee/registrant shall provide documentation in the form of certificates or attendance or letters from course sponsors as proof of attendance.

(1) All dentists shall complete a minimum of fourteen (14) continuing education hours per year or twenty-eight (28) continuing education hours over two (2) years; dental hygienists shall complete a minimum of seven (7) continuing education hours per year or fourteen (14) continuing education hours over two (2) years; dental technicians shall complete a minimum of four (4) continuing education hours per year or eight (8) continuing education hours over two (2) years, in order to be eligible for relicensure or reregistration. Upon licensure by examination of this State, dentists, dental hygienists and dental technicians shall be exempt from continuing education requirements for the first relicensure period. Fifty percent (50%) of the required continuing education hours must be obtained via live, in-person attendance. Interactive webinars are considered live or in-person continuing education hours. The remaining fifty percent (50%) of the required continuing education hours can be earned via online computer seminars.

(a) “One continuing education (CE) hour” shall mean a minimum of fifty (50) minutes of interactive instruction or organized learning.

(b) All licensed dentists and dental hygienists must have at least one (1) hour of their required continuing education be dedicated to sterilization and infection control.

(c) It is the responsibility of all dentists to ensure that their auxiliary staff who may be exposed to blood and other body fluids require and provide one (1) hour biennially of continuing education on sterilization and infection control and maintain records of such training.

(d) A dentist teaching a course at a CODA-approved dental college or a dental hygienist teaching in a CODA-approved dental hygiene program may receive CE hours equal to the number of hours received by the students taking the course, up to 25% of the CE hours required by S.C. Reg. 39-5(F), subject to receiving credit once per renewal cycle. A person receiving credit under this subsection may not also receive credit under subsection (e) for a CE seminar based upon the same course taught by the licensee.

(e) A dentist or dental hygienist teaching an approved CE seminar may receive CE hours equal to the number of hours taught in the seminar, up to 25% of the CE hours required by S.C. Reg. 39-5(F), subject to receiving credit once per renewal cycle. An approved CE seminar is a program approved or endorsed by an organization set forth in S.C. Reg. 39-5(F)(4)(a), (b), and (c).

(f) In no case shall a licensee earn more than 25% of the total number of CE hours allowed whether individually under subsection (d) and (e) or combined.

(2) The continuing education hours must be courses related to the procedures approved for each licensee/registrant such as

- (a) medical and scientific subjects;
- (b) clinical and technical subjects;
- (c) risk management and infection control;
- (d) dental radiology;
- (e) CPR, diet and nutrition.

(3) All dentists and dental hygienists must have completed an approved CPR course within two (2) years of licensure or renewal. Thereafter, all dentists and dental hygienists must be recertified in CPR once every two (2) years. Yearly recertification is not required, but can be used as continuing education hours any time. The maximum allowable number of CE hours for a CPR course is four (4) hours.

(4) Programs that meet the general requirement of Section 2 may be developed and/or endorsed by organizations and agencies such as:

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(a) the American Dental Association, Academy of General Dentistry, American Dental Hygienists' Association, American Dental Assistants' Association, National Association of Dental Laboratories, or their local societies and associations;

(b) national, state, local, district dental specialty organizations recognized by the American Dental Association;

(c) dental colleges or schools accredited by the American Dental Association;

(d) other organizations, schools, and agencies approved by the State Board of Dentistry.

(5) Each dentist, dental hygienist and dental technician licensed/registered by the Board who is not exempt from this regulation, at the time of filing his application for renewal of his license/registration, shall certify on the reregistration form that he/she has taken and can verify the required number of hours. A record of the courses taken, continuing education hours earned, date, sponsor, and subject matter shall be retained for a minimum of three (3) years from the date of attendance. Upon request, the applicant shall provide documentation in the form of certificates of attendance or letters from course sponsors, to the Board as proof of attendance.

(6) Failure to comply with this mandatory continuing education requirement may result in disciplinary action by the Board against the applicant.

(7) In individual cases involving extraordinary hardship or extenuating circumstances, disability or illness, all or any part of the requirements may be waived, modified or extended by the Board. Any applicant shall be eligible for waiver or extension who, upon written application to the Board and for good cause shown, demonstrates that they are unable to participate in a sufficient number of regular continuing educational programs for licensure/registration.

(8) The Board shall have the authority to decide if a course meets its accreditation criterion, if a question arises.

### 39-19. Temporary Restricted License for Live Patient Continuing Education.

A. The South Carolina Board of Dentistry may issue in its discretion a temporary restricted license to a dentist not licensed in this state to allow a licensed dentist, currently licensed in another state, the District of Columbia, or a territory of the United States, to engage in the lawful practice of dentistry solely for the purpose of obtaining continuing education credits in a live patient course.

(1) A temporary restricted license may be issued without examination or payment of a fee for a period of time not to exceed seven consecutive days and shall automatically expire at that time or upon the conclusion of the continuing education course. The Board may issue two restricted temporary licenses to a dentist per calendar year, with discretion to issue a third license. If a dentist is unable to attend the live-patient continuing education course for which he has registered, he shall immediately notify the Board before the continuing education course is scheduled to begin and such license shall not count against the total licenses available for that calendar year.

B. The Applicant must provide proof that the applicant:

(1) has graduated and received either a D.D.S. or D.M.D. degree from a dental school;

(2) is currently licensed in another state, the District of Columbia, or a territory of the United States, provided that such licensure followed successful completion of a general dentistry clinical examination administered by another state or regional examining board;

(3) is currently in good standing and is not the subject of a pending disciplinary action in any jurisdiction in which the dentist is or has been licensed;

(4) has been actively engaged in one or more of the following immediately preceding the application:

(a) The practice of dentistry;

(b) An approved dental residency training program;

(c) Postgraduate training deemed by the Board equivalent to an approved dental residency training program.

(5) has malpractice insurance or confirmation that the hosting entity has malpractice insurance in place for patients seen as part of the continuing education course or provide confirmation from the hosting entity that the dentist is covered under the hosting entity's malpractice insurance;

(6) has a pending contract or other proof of enrollment with an approved hosting entity that is sponsoring the continuing education course;

(7) has proof of current basic life support (BLS) or cardiac pulmonary resuscitation (CPR) certification accepted by the American Heart Association, the American Red Cross, or the American Safety and Health Institute (ASHI); this certification cannot be a self-study course and must be obtained in person;

(8) Dentists holding a temporary restricted license pursuant to this section may only practice at the site of the hosting entity and only while under the supervision of a South Carolina licensed dentist identified by the hosting entity to the Board as an instructor for the course for which the attendee is appearing;

(9) Dentists holding a temporary restricted license under this section may only perform local anesthesia or administer nitrous oxide but no other form of sedation.

C. Before a live-education continuing education course can proceed with dentists holding a temporary restricted license, the following criteria must be met:

(1) Patients treated at a Board-approved hosting entity who are to be treated in whole or part by dentists holding a temporary restricted license must be low-income patients, subject to the exception provided by the Board;

(a) “Low-income” means: (i) a person who is Medicaid eligible under the laws of this state; (ii) a person who is without health or dental insurance whose family income does not exceed 200 percent of the federal poverty level as defined annually by the Federal Office of Management and Budget; or (iii) who has health or dental insurance that does not cover the injury, illness, or condition for which treatment is sought and whose family income does not exceed 200 percent of the federal poverty level as defined annually by the Federal Office of Management and Budget.

(b) The only exception to this requirement is if a low-income patient scheduled for the course cancels or refuses to proceed and the only patient available at that time is one who does not meet this criteria, in which case the care must still be provided without cost to the patient.

(2) A prospective hosting entity must submit the following information to the Board and be approved by the Board or its designee prior to hosting a live patient continuing education course:

(a) The live-patient continuing education courses must be accredited by The Commission on Dental Accreditation (CODA), The American Dental Association (ADA) Continuing Education Recognition Program (CERP), The Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE), The American Medical Association (AMA), or other accrediting body acceptable to the Board.

(b) The hosting entity must provide proof of current dental malpractice insurance and coverage limits.

(c) The hosting entity must provide a description of the course and procedures to be performed, including whether anesthesia will be used and the level of sedation that will be achieved. Once a hosting entity has been approved, but seeks to perform new or additional courses or procedures, the hosting entity must update the Board with this information prior to the new continuing education seminar proceeding. All hosting entities must have current sedation permits for the facility at which the course will be taught.

(d) The hosting entity shall provide the identification and qualifications of all instructors who will be teaching the continuing education course and supervising temporary restricted licensees. All instructors must have an unrestricted South Carolina license.

(e) The hosting entity shall submit to the board a certifying statement that all dental procedures shall be performed on a free and uncompensated basis to low-income patients, except as provided herein.

(f) The hosting entity must certify to the Board that it has arranged to provide emergency follow-up care that may result from a procedure done at these events and/or arrange to have South Carolina licensed dentists provide such emergency care as well as any follow-up care naturally occurring from the procedures performed.

(g) The hosting entity must report to the Board in compliance with S.C. Reg. 39–17, Reporting of Adverse Occurrences.

(h) The hosting entity must maintain patient records in compliance with S.C. Code § 40-14-450.

(3) The hosting facility must observe the following guidelines in hosting live-patient continuing education courses:

(a) For surgical courses, the instructor-to-attendee ratio cannot not exceed 1:2. For nonsurgical courses, the instructor-to-attendee ratio cannot not exceed 1:4. The maximum number of attendees at any one course is limited to 20 attendees.

(b) Instructors with outstanding discipline on their license or who have a pending disciplinary action are not eligible to be an instructor at a live CE course until such time as their discipline is resolved or their license is in good standing. For purposes of this subsection, “pending disciplinary action” means an action or proceeding

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for which a Board has authorized a formal complaint. “Licensed in good standing” means that one’s authorization to practice has not been revoked, suspended in any way, or placed on probation, and there are no restrictions or limitations currently in effect.

### **Fiscal Impact Statement:**

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

### **Statement of Rationale:**

The South Carolina Board of Dentistry proposes to amend its regulations, appearing in Chapter 39 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J). Proposed changes include, but are not limited to, continuing education credit for dental instructors, updated procedures allowed by dental hygienists, dental assistants and enhanced dental assistants, and temporary live-patient CE dental license.

Document No. 5353  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**OFFICE OF ELEVATORS AND AMUSEMENT RIDES**  
CHAPTER 71  
Statutory Authority: 1976 Code Sections 41-16-140 and 41-18-120

- 71-4000. Purpose and Definitions.
- 71-4100. Maintenance of On-Site Information.
- 71-4200. Operation Procedures for Amusement Devices; Owners/Operator’s Responsibility.
- 71-4300. Operational Testing.
- 71-4400. Maintenance Procedures for Amusement Devices.
- 71-4450. Miscellaneous Safety Requirements for Amusement Rides.
- 71-4500. Insurance Bond, or Other Security.
- 71-4600. Permit Required.
- 71-4610. Permit Application Requirements.
- 71-4700. Fee Schedule.
- 71-4800. Qualifications of Approved Special Inspectors.
- 71-4910. Procedure for Hearing Contested Notices of Non-Compliance and Assessments of Penalty.
- 71-4920. Procedure for Applications for Variance.
- 71-4950. Information to be Made Available to Commissioner.
- 71-5000. Purpose and Definitions.
- 71-5100. Safety Standards for New Installations.
- 71-5200. Safety Standards for Existing Facilities.
- 71-5300. Permits and Certificate Required.
- 71-5310. Application for Construction Permit, Elevator Registration, and Operating Certificate.
- 71-5400. Qualification of Special Instructors.
- 71-5500. Inspections.
- 71-5550. Accidents and Dangerous Facilities.
- 71-5600. Fee Schedules.
- 71-5700. Procedure for Hearing Contested Citations and Assessments of Penalty.
- 71-5800. Procedure for Application for Variance.
- 71-5900. Effective Date.

### **Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation, Office of Elevators and Amusement Rides, proposes to amend its regulations, appearing in Chapter 71 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J).

A Notice of Drafting was published in the *State Register* on May 24, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

ARTICLE 4

AMUSEMENT RIDES SAFETY CODE

(Statutory Authority: 1976 Code Section 41-18-120)

71-4000. Purpose and Definitions.

1. Chapter 18 of Title 41, S.C. Code of Laws, 1976 (as amended) provides that the Director of the Department of Labor, Licensing and Regulation may promulgate regulations to guard against personal injuries in the assembly, disassembly, and use of amusement devices at carnivals, fairs, and amusement parks and to assure to any injured person the possibility of financial recovery for such injuries. It is the purpose of these regulations to set minimum acceptable safety standards for design, construction, operation and inspection of such amusement devices.

2. Definitions.

A. Accepted engineering practice: that which conforms to accepted principles, tests, or standards of nationally recognized technical or scientific authorities.

B. Operator: the person having direct control of the starting, stopping, or speed of an amusement device.

C. NDT: Non-Destructive Testing: Assorted testing methods used to disclose latent defects during which test the physical or chemical state of the material is not altered.

D. Imminent Danger: A condition which exists due to a mechanical, electrical, structural, design, or other defect which presents an excessive risk of serious injury to passengers, bystanders, operators, or attendants.

E. Operational Tests: Measurements of safety mechanisms which do not come into play during routine operation.

F. Open to the Public: Accessible or available to members of a community or population, irrespective of whether a fee is charged and without regard to the number of days that the device is available for use. It does not include a private club, organization, or institution utilizing a selection and approval process for membership that operates the device exclusively for the use of its members on premises owned or controlled by it. It also does not include a private residence where the device is operated by family members and their guests for non-business purposes. A club, organization, or institution that offers memberships for less than thirty days is not private.

71-4100. Maintenance of On-Site Information.



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All owners shall maintain the following physical information at the site of operation of all amusement devices in South Carolina:

A. Name Plate: A unique identifying name plate in English shall be permanently affixed to each amusement device specifying location of manufacturer by city, state, and country. This name plate shall also have the serial number, device model number, and date of manufacture. In addition, a state ID number tag supplied by the Department shall be permanently affixed to the device.

B. Static and Dynamic Information: Each owner shall maintain at the site of operation of the amusement device the following information: height, width, diameter, and weight when in a non-operational state with no passengers and in a fully operational state with passengers.

C. Speed: When the proper speed is essential to the operation of the device, each owner shall maintain at the site of operation of the amusement device the following information:

- (1) Maximum revolutions per minute, or
- (2) Maximum feet per second or miles per hour.

D. Direction of Travel: When the proper direction of travel is essential to the design operation of the device, the manufacturer shall designate the direction of travel, including the reference point for this designation, and the owner will maintain this information at the site of operation of the amusement device.

E. Power Requirements: Each owner will maintain at the site of operation of the amusement device the following information:

- (1) Electrical-Total electrical power required to operate the ride or device designated in watts, volts, and amperes, including minimum and maximum voltage limits.
- (2) Mechanical-The minimum horsepower necessary to operate the device safely.

F. Passenger Capacity: Each owner shall maintain at the site of operation of the device the following specifications of the manufacturer:

- (1) Maximum total passenger weight; and/or
- (2) Maximum number of passengers by carrier unit and device total.

G. Recommended Balance of Passenger Loading or Unloading: When passenger distribution is essential to the proper operation of the device, the appropriate loading and unloading procedure with respect to weight distribution shall be maintained at the site of operation.

H. Recommended Passenger Restrictions: Where applicable, any passenger limitations such as, but not limited to height, weight, passenger placement, physical condition, or other appropriate restrictions, shall be maintained in full public view at the site of operation. The operator shall have the right to refuse access to a device to any person where the operator believes that access may jeopardize the safety of the rider or of any other person.

I. Environmental Restrictions: Specifications for operational restrictions relating to environmental conditions such as, but not limited to wind, rain, corrosive atmosphere, and extreme heat or cold, shall be maintained at the site of operation of the device by the owner.

J. Fastener Schedule: A manufacturer's issued schedule for the correct or better grade, torque, and placement of all critical fasteners used in the assembly or erection, or both, of the amusement device shall be maintained by the owner at the site of operation of the device.

K. Numbering: All passenger-carrying compartments shall be numbered without duplication.

L. Evacuation: An emergency evacuation plan shall be maintained at the site of operation of any amusement device where passengers may be more than five feet above the ground.

71-4200. Operation Procedures for Amusement Devices; Owners/Operator's Responsibility.

1. Each owner of an amusement device shall read and become familiar with the contents of the manufacturer's recommended operating instructions. Each owner shall prepare an operating fact sheet. This fact sheet shall be provided to each device operator and attendant of the amusement device. The owner's fact sheet (on a device-by-device basis) shall include but not be limited to:

A. Specific device operation policies and procedures with pertinent information from the manufacturer's instructions;

B. Description of the device operation;

C. Duties of the specific assigned position of the device operator or attendant;

D. General safety procedures;

E. Additional recommendations of the owner/operator; and

F. Specific emergency procedures in the event of an abnormal condition or an interruption of service.

2. The owner shall provide training and instructions for each operator and attendant of an amusement device. This training shall include, but not be limited to the following:

A. Instructions on device operating procedures;

B. Instructions on specific duties of the assigned position;

C. Instructions on general safety procedures;

D. Instructions on emergency procedures;

E. Demonstration of the physical operation of the device;

F. Supervised observation of the device operator's physical operation of the device; and

G. Additional instructions deemed necessary by the owner.

3. The owner will enforce compliance with the operating fact sheet and maintain operation within limits described by the information required by 71-4100.

4. Every amusement device shall be maintained, operated, assembled and disassembled to be free from recognized hazards or defects which may cause serious injury.

71-4300. Operational Testing.

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1. The owner of a device shall use manufacturer's operational tests, along with maximum intervals for these tests to be performed, to determine whether a safety mechanism is operating within operational limits as recommended by the manufacturer. If manufacturer's guidelines for operational testing are not available, the owner shall use operational tests based on available guidelines for devices similar in design and function.

2. Non-Destructive Testing (NDT): NDT shall be performed in conformance with manufacturer's specifications. In addition, any hidden shaft or structural member in an amusement device may be required to undergo NDT after written notice to the owner is given by the Department. The notice will specify a date by which NDT shall be completed.

3. The owner of a device shall conduct the tests developed under Section 71-4300 (1) and (2) at regular intervals and shall record the results of operational tests and shall provide the results to the Director upon request.

### 71-4400. Maintenance Procedures for Amusement Devices.

1. Each owner of an amusement device shall read and become familiar with the contents of the manufacturer's maintenance instructions and specifications. Based on the manufacturer's recommendations, each owner shall develop and implement a program of maintenance and inspections providing for the duties and responsibilities necessary in the care of each amusement device. This program of maintenance shall include a checklist provided to each person performing the regularly scheduled maintenance on each device. The owner's checklist (on a device-by-device basis) shall include but not be limited to the following:

- A. A description of preventive maintenance assignments to be performed with frequency;
- B. A description of inspections to be performed with frequency;
- C. Special safety instructions, where applicable; and
- D. Any additional recommendations of the owner.

2. The owner of the amusement device shall provide training for each person performing the regularly scheduled maintenance on the device, pertaining to their assigned duties. This training shall include, but not be limited to the following:

- A. Instructions on inspection and preventive maintenance procedures;
- B. Instructions on specific duties of the assigned position;
- C. Instructions on general safety procedures;
- D. Demonstrations of the physical performance of the assigned regularly scheduled duties and inspections;
- E. Supervised observation of the maintenance person's physical performance of his assigned regularly scheduled duties and inspections; and
- F. Additional instructions deemed necessary by the owner.

3. Prior to carrying passengers, the owner shall conduct or cause to be conducted a daily pre-opening inspection to insure proper operation of the device. Where the manufacturer provides relevant instructions for a daily inspection, the owner may incorporate these instructions into his inspection procedure. Where the manufacturer does not provide such instructions, the owner may incorporate relevant instructions for a daily inspection based on instructions from other amusement devices similar in design and function. The owner shall maintain a record of the daily inspection, signed and dated by the person performing it. These records shall be

kept for a period of no less than three (3) years. The inspection program shall include, but not be limited to the following:

- A. Inspection of all passenger-carrying equipment, including restraint equipment and latches;
- B. Visual inspection of entrances, exits, stairways, and ramps;
- C. Visual inspection of grounds around and/or inside of the device;
- D. Functional testing of all communication equipment necessary for the operation of the device;
- E. Inspection or testing of all automatic and manual safety equipment, including flotation and tethering equipment where applicable;
- F. Inspection or testing of brakes, including service brakes, emergency brakes, parking brakes, and back stops;
- G. Visual inspection of any fencing, guarding and barricades;
- H. Visual inspection of the device structure;
- I. Visual inspection of electrical equipment and wiring;
- J. Visual inspection of accessible pins and fasteners;
- K. Visual inspection of blocking and shoring; and
- L. The device shall be operated for a minimum of two complete operating cycles. A complete cycle shall include operation of all passenger-carrying equipment.

4. Following any unscheduled cessation of operation necessitated by malfunction, adjustment, environmental conditions, mechanical, electrical, operational or structural modification, the device shall be unloaded and the device, or the specifically affected element, shall be appropriately inspected and operated without passengers to determine that the cause for cessation of operation has been corrected and does not create an operational problem.

5. If an inspector finds that the amusement device presents an imminent danger, he will notify in writing the amusement device operator, owner, and sponsor of the fair or carnival or owner of the land upon which the fair or carnival is located. If the device is not immediately removed from service, the inspector will file a report of the imminent danger with the Director. A temporary or permanent restraining order will be sought where appropriate.

6. The owner or lessee of any amusement device which, during the course of its operation, is involved in an accident which results in a serious injury shall report the injury to the Commissioner before the end of the next business day. The report will include the names and addresses of the injured parties, the hospital where treatment was rendered, type of injuries, type of device involved, owner, and any other information pertaining to the events leading up to, the nature of, and the outcome of the accident as well as the status of the device involved in the accident.

7. Any part which has caused, contributed to, or has been damaged during a catastrophic accident shall not be removed from a device or destroyed until inspected by the Department.

71-4450. Miscellaneous Safety Requirements for Amusement Rides.

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### 1. Electrical Systems

A. Electrical systems shall comply with the NFPA 70, the 2020 National Electrical Code, and any later editions, as adopted by the General Assembly.

#### B. Dark Rides

(1) The track or bus supplying voltage to the individual cars shall be maintained at 50 volts or less potential.

(2) All areas shall have adequate emergency lighting to permit safe exiting in the event of power failure. This lighting must come on automatically in the event of power failure.

(3) All areas shall have lighting controlled by a switch at the operating control station, in addition to emergency lights. This lighting shall be adequate to allow safe exiting.

(4) All exits shall have illuminated exit signs mounted above the exit and wired to automatically be energized in the event of power failure or in the event that the area lighting control switch at the operating station is activated.

C. All fluorescent lights shall have sleeving and be secured in place.

D. Each electrically operated amusement device shall be provided with a lockable externally operated protected disconnect. This disconnect shall remove all power from the amusement device, and shall be clearly labeled.

### 2. Structural

A. All devices shall be guarded against access by non-authorized personnel into the area of operation.

B. One AB&C fire extinguisher of at least 10 lb. capacity shall be placed on all generator units of greater than 7.5 kilowatts. One AB&C fire extinguisher of at least 10 lb. capacity shall be provided for all gasoline powered amusement devices with engines greater than 5 HP and all remote fuel storage areas of 10 gallons or more. The fire extinguisher must be readily accessible and in good working order.

C. One AB&C fire extinguisher of at least 5 lb. capacity shall be placed on all generators less than 7.5 kilowatts. One AB&C fire extinguisher of at least 5 lb. capacity shall be provided for all gasoline-powered amusement devices with engines 5 HP or less and all remote fuel storage areas not exceeding 10 gallons. The fire extinguisher must be readily accessible and in good working order.

D. There shall be a minimum of 6 feet between fences when the fence is attached to a portion of a device containing an electrical device. Where the electrical device is 240 volts or less, 30 amps or less, and equipped with GFI circuitry, the minimum distance need not be maintained. Common fences are acceptable under other conditions.

E. Dark Rides: There shall be a minimum of one (1) smoke and fire detector per 500 square foot area and a five (5) lb. ABC fire extinguisher shall be located at all entrances and exits and at any operator station not located directly at an entrance or exit.

F. Blocking Requirements.

(1) The footing, blocking, or anchorage for amusement devices shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support amusement devices.

(2) Blocking of an amusement device shall be sized so that the bearing surface of the blocking is equal to or greater than the bearing surface of the support pad of the amusement device.

(3) The height of the blocking shall not exceed the total width of the base of the blocks being used.

G. All amusement devices, generators and power distribution centers must be accessible to emergency vehicles.

H. All amusement devices must maintain a minimum clearance from overhead power lines in compliance with the National Electrical Code, as adopted by the General Assembly.

I. Internal combustion and electrical power sources, and power transmitting elements, shall be of adequate type, design and capacity to handle the design load.

J. Fuel tanks should be of adequate capacity to permit uninterrupted operation during normal operating hours. Where it is impossible to provide tanks of proper capacity for a complete day, the engine shall be shut down and the amusement device unloaded or evacuated during the refueling procedure. Under no circumstances shall the fuel supply be replenished while the engines are running.

K. An enclosed area in which an internal combustion engine is operated shall be ventilated. Exhaust fumes from the engine shall be discharged outside the area. The equipment shall be properly grounded.

L. Internal combustion power sources shall be located in a manner permitting proper maintenance and shall be protected either by guards, fencing or enclosures.

M. All amusement grounds shall be free from recognized hazards which may cause injury.

### 3. Ride Operation.

A. The owner shall not allow any device operator under the influence of controlled drugs or alcohol to operate or assist in the operation of the device.

B. When the operator is requested to stop a device and allow passengers desiring to disembark to do so, the operator must follow all manufacturer requirements for emergency evacuation procedures.

C. The owner shall have no fewer than one (1) operator per device. Additional assistance may be required as necessary.

D. The owner shall not allow an operator to leave the controls during operation of the device and shall not allow assistants to leave their assigned stations during operation of the device.

E. All buttons and switches on operating control stations shall be properly labeled in English as to their functions, and all emergency stopping devices shall be colored red.

F. All operators must be able to speak and comprehend the English Language sufficiently to communicate with patrons, follow instructions and comprehend the operating fact sheet.

### 4. Mechanical.

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A. An amusement device capable of exceeding its maximum safe operating speed as stated by the manufacturer shall be provided with a speed limiting device.

B. Amusement rides shall continue to meet manufacturing specifications including all safety bulletins.

### 71-4475. Additional Rules for Individual Amusement Devices.

1. Chair lifts and Trams shall be designed and maintained per ANSI B77.1 2022 and all supplements thereto. Compliance with the requirements of any later edition published by the American National Standards Institute shall be accepted by the Director as compliance with this section.

#### 2. Go Karts.

A. All wheel wells must be enclosed, except for Grand Prix style cars which race individually.

B. All tracks must have a liner rail, except for Grand Prix style cars which race individually.

C. Helmets must be provided for all patrons desiring to use them. Signs shall be posted to notify patrons that helmets are available upon request.

### 71-4500. Insurance Bond, or Other Security.

1. Before any permit can be issued, the owner must file with and have accepted by the Director an approved Certificate of Insurance against liability for injury to persons arising out of the use of an amusement device, to be in an amount not less than that specified by South Carolina Code of Laws, 1976, Title 41, Chapter 18, as amended.

#### 2. Evidence of insurance may be:

A. A policy of insurance procured from one or more insurers acceptable to the Chief Insurance Commissioner of South Carolina as either:

(1) Licensed to transact insurance in South Carolina;

(2) Approved as a non-admitted surplus lines carrier for risks located in this State;

B. Cash or other security acceptable to the Director.

3. The Director shall not accept any policy of insurance unless it shall obligate the insurer to give written notice to the Director thirty (30) days before any proposed cancellation, suspension or non-renewal of the policy.

### 71-4600. Permit Required.

1. Before beginning operation of any amusement device within South Carolina, the owner shall have posted on the amusement device a valid permit to operate issued by the Commissioner. A permit to operate is valid for a period of one calendar year terminating on December 31 of the year issued.

2. All new amusement devices permitted shall meet the requirements of the 2022 edition of ASTM Standards on Amusement Rides and Devices, and the South Carolina Amusement Ride Code and any later editions; or be certified by a licensed architect or professional engineer.

3. A complete set of manuals for assembly, maintenance and operation of the device shall be maintained by the owner. All manuals shall be in English. If manufacturer's manuals or guidelines are not available, the owner shall use manuals or guidelines for devices similar in design and function.

71-4610. Permit Application Requirements.

1. Each application for a permit shall be submitted electronically and received by the Director no less than ten (10) days before the first intended date of use.

2. Each permit application shall include the following information:

- A. Name of the owner of the amusement device;
- B. The address of the owner;
- C. The name of the state under whose laws the owner is incorporated (if incorporated);
- D. The model number and serial number of the amusement device and name and address of manufacturer;
- E. Acceptable evidence of the liability insurance policy, bond, or other security covering the amusement device. The Director may require submission of the complete copy of insurance; and
- F. An inspection report.

3. In addition, each application for a permit for a temporary device shall include the following information:

- A. Planned schedule of appearances in South Carolina, including dates and locations; and
- B. Name of sponsor or land owner at each location where use is planned.

4. Owners of temporary amusement devices shall supply the Department with the local phone number on each site of operation.

71-4700. Fee Schedule.

1. A. Upon application for a permit with a request for inspection by the South Carolina Department of Labor, Licensing and Regulation, Division of Labor, an annual fee shall be charged at the rate of:

|                              |          |
|------------------------------|----------|
| Kiddie device                | \$50.00  |
| Major/spectacular devices    | \$100.00 |
| Mobile/fixed roller coasters | \$250.00 |

B. Fees under 71-4700 include one permit inspection. Any return inspection resulting from the owner's failure to comply, will be charged at a rate of \$150.00 per hour in addition to the annual fee, including travel time.

2. Any application for annual permit which is accompanied by an inspection report by an approved special inspector shall be charged an annual permit fee at the rate of \$150.00 for each device covered by that permit application.

71-4800. Qualifications of Approved Special Inspectors.

1. A special inspector shall have the following qualifications:



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A.(1) At least five (5) years' experience in amusement device maintenance and safety and completion of approved courses in materials inspection and testing and in fasteners or in the alternative.

(2) A four-year college degree in engineering or architecture with a minimum of twelve (12) semester hours of course work in the area of mechanics and strength of materials.

B. Evidence of successful completion of an approved Rides Safety Inspection course within the previous two (2) calendar years.

2. Each applicant for approval as a special inspector shall submit with his annual application evidence of insurance against errors and omissions (or approved general liability insurance) covering inspections of amusement rides and devices in an amount of no less than \$500,000 per occurrence, procured from one or more insurers licensed to transact insurance in South Carolina or approved as a non-admitted surplus lines carrier for risks located in this State. Each policy, by its original terms or an endorsement, shall obligate the insurer that it will not cancel, suspend, or nonrenew the policy without thirty (30) days written notice of the proposed cancellation, suspension, or nonrenewal and a complete report of the reasons for the cancellation, suspension, or nonrenewal being given to the Director of the Department of Labor, Licensing and Regulation. In the event the liability insurance is cancelled, suspended or nonrenewed, the insurer shall give immediate notice to the Director.

3. Each applicant for approval as a special inspector shall submit with his annual application a license fee in the amount of \$200.00.

4. Applications for approval as a special inspector shall be made annually on a form to be provided by the Director.

5. Special inspectors shall conduct all follow up, safety related complaint inspections, and abatement inspections as called for by the Director and shall be responsible for submitting all associated paperwork.

6. Special inspectors shall record and report the findings of all inspections conducted pursuant to S.C. Code 41-18-10 et seq. in a manner as required by the Department. Special inspectors shall execute and convey inspections in a manner prescribed by the Department. The Director may suspend or revoke a special inspector's license for failure to complete the inspection form as prescribed by the Department. The Director may also suspend or revoke a special inspector's license for any misrepresentation or omission of any material fact related to the inspection. In addition to the foregoing, the director may withhold issuance of an Operating Certificate for failure to complete the inspection form as prescribed by the Department or misrepresentation or omission of any material fact related to the inspection.

7. Any special inspector may have his license revoked or may have a license denied to him who:

A. uses or discloses information gained in the course of or by reason of his official position for any purpose other than making official inspections;

B. receives compensation to influence his inspections;

C. uses a false, fraudulent, or forged statement or document or committed a fraudulent, deceitful, or dishonest act or omitted a material fact in obtaining licensure as a special inspector;

D. has had a license to practice a regulated profession or occupation including special inspector in another state or jurisdiction canceled, revoked, or suspended or who has otherwise been disciplined;

E. has intentionally or knowingly, directly or indirectly, violated or has aided or abetted in the violation or conspiracy to violate this article or a regulation promulgated under this article;

- F. has intentionally used a fraudulent statement in a document connected with practice as a special inspector;
- G. has obtained fees or assisted in obtaining fees under fraudulent circumstances;
- H. has committed a dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public;
- I. lacks the professional or ethical competence to practice as a special inspector;
- J. has been convicted of or has pled guilty to or nolo contendere to a felony or a crime involving drugs or moral turpitude;
- K. has practiced as a special inspector while under the influence of alcohol or drugs or uses alcohol or drugs to such a degree as to render him unfit to practice as a special inspector;
- L. has sustained a physical or mental disability which renders further practice dangerous to the public;
- M. has violated a provision of this article or of a regulation promulgated under this article.

8. Any special inspector whose license has been revoked or to whom a license has been denied may appeal this decision to the Director or his designee within thirty days of receipt of written notice of the decision revoking or denying his license. The Director or his designee will conduct a hearing to review the decision and will issue a written order of decision thereafter.

9. Any person aggrieved by the final action of the Director may appeal the decision to the Administrative Law Court in accordance with the Administrative Procedures Act and the rules of the Administrative Law Court. Service of a petition requesting a review does not stay the Director's decision pending completion of the appellate process.

#### 71-4910. Procedure for Hearing Contested Notices of Non-Compliance and Assessments of Penalty.

1. Any owner to whom a Notice of Non-Compliance or Notice of Proposed Penalty has been issued may serve a Notice of Protest upon the Commissioner within thirty (30) days of the receipt by the owner of the Notice of Non-Compliance or of the Notice of Proposed Penalty.

##### 2. Notice of Hearing

A. Service: Upon receipt of a Notice of Protest or any Notice of Non-Compliance by any owner of any amusement device, the Commissioner shall serve notice of a hearing to be held to determine the issues.

B. Contests: The notice of hearing shall include:

- (1) Time, place, and nature of the hearing. The time shall be at least thirty (30) days from the service of notice of hearing unless the owner shall ask in writing for a shorter time;
- (2) A short statement of the issues involved; and
- (3) Designation of the representative of the Director who shall conduct the hearing as Hearing Examiner.

##### 3. Hearing Procedure

A. The Hearing Examiner will explain briefly the purpose and nature of the hearing, will ascertain who will present the case for each of the parties, and will hear all preliminary matters.

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B. All persons who give testimony shall be sworn.

C. A party shall be entitled to present all relevant facts by oral or documentary evidence or by affidavit if the parties so agree.

D. Opposing parties shall have the right to cross-examine any witness whose testimony is introduced.

E. A business entity which owns an amusement device may be represented at any hearing by an attorney licensed to practice in South Carolina, or by an officer or employee of the entity.

4. Within a reasonable time after the Hearing Examiner has heard all evidence and considered any written briefs or memoranda submitted, he shall make a written recommendation to the Director. The Director shall then make his final disposition of the proceedings and shall serve it upon all parties.

5. The Director shall maintain a record of the proceedings which shall include testimony and exhibits.

71-4920. Repealed.

71-4950. [Information to be Made Available to Director.]

The owner shall be responsible for maintaining and making available to the Director all information required by the Amusement Ride Safety Code and these regulations. This information shall be made available to the Director upon request.

### ARTICLE 5

#### SAFETY STANDARDS FOR ELEVATOR FACILITIES

71-5000. Purpose and Definitions.

1. The Director shall promulgate regulations governing maintenance, construction, alteration, and installation of elevator facilities and the inspection and testing of new and existing elevator installations so as to provide for the public safety and protect the public welfare. It is the purpose of these regulations to set minimum acceptable safety standards for the construction, alteration, maintenance, inspection, testing and operation of elevator facilities in South Carolina.

2. All definitions found in Section 41-16-20 apply to these regulations.

A. "Serious injury" means an injury that results in death or which requires immediate in-patient hospitalization. Fractures and disfigurements are considered serious injuries, even where no hospitalization is required.

B. "Imminent danger" means a condition which exists due to a design, mechanical, structural or electrical defect which presents an excessive risk of serious injury to passengers, operators, or the general public.

71-5100. Safety Standards for New Installations.

(Statutory Authority: 1976 Code Sections 41-16-10 et seq.)

1. All facilities installed after July 1, 1986, shall comply with the officially adopted editions of the ASME A17.1 Elevator Code and all supplements thereto, at the time the permit is issued. In the alternative, manlifts may comply with the 2015 editions of the ANSI A90.1 Safety Standards for Manlifts and all supplements thereto. In the alternative platform and stairway chairlifts may comply with ANSI A18.1 and all supplements thereto.

Compliance with any later edition of the required safety codes shall be accepted by the director as compliance with the section.

2. All new facilities shall be free from recognized hazards or defects which may cause serious injury.

3. All safety devices provided by the manufacturer and installed on any new installation shall be maintained so as to operate properly per manufacturer's specifications or be replaced with equivalent equipment.

4. Miscellaneous Safety Requirements for New Installations:

A. A 17.1, Rule 100.7 is repealed. Substitute Rule 5100-4 A to read in its entirety-Hoistway doors shall have floor numbers, not less than four inches in height, located on the hoistway side of the door within the area allowable for opening by the door restrictor.

B. Electrolysis protection for underground hydraulic elevator cylinders. All newly installed underground hydraulic pressure cylinders shall be encased in an outer plastic containment to minimize electrolytic corrosion.

(1) The plastic casing shall be capped at the bottom and all joints must be solvent or heat welded to insure water tightness.

(2) The plastic casing shall be constructed of polyethylene or polyvinyl chloride (PVC). The plastic pipe wall thickness must not be less than .125 inches (3.551mm).

(3) Replacements of existing hydraulic cylinders shall be protected by the aforementioned method where existing physical dimensions permit.

C. The key switches required to operate firefighters' service on Phase I and II shall use a five pin key, S.C. #1000.

D. A17.1, Rule 106.1(b)(3) is repealed. Sump pumps or drains are not required in elevator pits by these regulations. Where indicated by design consideration, sump pumps or drains shall comply with ANSI A17.1, Rule 106.1(b)(3).

71-5200. Safety Standards for Existing Facilities.

1. All facilities for which construction or relocation was begun or which were in operation prior to July 1, 1986, in South Carolina shall comply with the requirements of the 1986 edition of the ANSI A17.3, the American National Standard Safety Code for Existing Elevators and Escalators. In the alternative, manlifts may comply with the 1985 edition of the ANSI A90.1 Safety Standards for Manlifts and all supplements thereto; existing power sidewalk elevators may comply with A17.1, 1987 edition, part IV; existing hand and power dumbwaiters may comply with A17.1, 1987 edition, part VII; existing special purpose personnel elevators may comply with A17.1, 1987 edition, part XV; and existing inclined stairway chairlifts and vertical wheel chair lifts may comply with A17.1, 1987 edition, part XX or part V, provided the lift is key operated and a sign is installed stating "for handicap use only". Compliance with the requirements of any later edition of the required safety codes shall be accepted by the Commissioner as compliance with this section.

2. All existing facilities shall be free from recognized hazards or defects which may cause serious injury.

3. All safety devices provided by the manufacturer and installed on any existing facility shall be maintained so as to operate properly per manufacturer's specifications, or replaced with equivalent equipment.

4. Miscellaneous Safety Requirements for Existing Facilities.

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A. All sumps in pits shall be covered. The cover shall be level with the pit floor.

B. Except where compensating chains or ropes are attached to the counterweight, all counterweights shall be provided with a guard of sufficient size and strength to prevent accidental contact with the counterweight while working in the pit. Where existing clearance does not permit a guard, a warning chain attached to the counterweight would meet this requirement.

C. A permanent lighting fixture shall be provided in all pits, which shall provide an illumination of not less than five (5) footcandles (54 lux) at the pit floor. A light switch shall be located so as to be accessible from the pit access door.

D. Each elevator shall be equipped with switches to interrupt electric power to the elevator driving machine motor and brake. The switches shall be conspicuously marked "Stop" and "Run".

(1) A switch shall be located so as to be accessible from the entry into the pit. If the pit is deeper than seven (7') feet there shall be an additional stop switch which is accessible from the pit floor.

(2) A switch shall be located so as to be accessible from the door to all auxiliary machinery spaces.

E. Escalators shall be equipped with a stop switch located so as to be accessible from the point of access into the machinery space. When opened, this switch shall cause the electric power to be removed from the escalator driving machine motor and brake. The switch shall be conspicuously and permanently marked "Stop" and "Run". No additional stop switch is required when the main disconnect switch is in the machinery space.

F. All ladders in pits shall be mounted adjacent to the side of the door where the unlocking device is located unless clearances prevent this.

G. All light fixtures shall be guarded and maintained in a fully operational condition.

H. Counterweight runby shall not be less than the setting of the top final limit plus two (2) inches,

I. Emergency signaling devices for facilities in unattended buildings shall have a minimum sound rating of 80 db measured ten (10) feet from the device.

J. [Deleted].

K. Car gates, when fully closed, shall extend from the car floor to a height of not less than six (6) feet, where existing overhead clearances permit.

L. All passenger elevators shall be equipped with a standby power source capable of operating emergency lighting and the alarm bell for a period of at least four (4) hours in the event the normal power source fails. No less than two (2) lamps shall be used for emergency lighting.

M. A17.3, Rule 3.11.3 is repealed. Substitute Rule 5200 4 M to read in its entirety:

(1) All automatic (non-designated attendant) operation elevators having a travel of fifty-four (54) feet from the lowest point of entry to the building shall conform to the requirements of ANSI/ASME A17.1, 1987 edition, Rules 211.3 through 211.8.

(2) All elevators having car switch operation or constant pressure operation or manual door opening and closing or nuclear facilities employing high radiation are not required to install Firemans Service.

(3) All existing installations shall have a conspicuous sign installed at each landing immediately adjacent to the push button station to inform the public that in a fire emergency they should not use the elevator but should use the exit stairs.

N. A17.3, Rule 2.7.4 is repealed. Substitute Rule 5200 4 N to read in its entirety: All passenger elevators installed within dormitories, apartment building, motels, hotels, and schools shall comply with the following:

(1) When a car is outside the unlocking zone, the hoistway doors or car doors shall be so arranged that the hoistway doors or car doors cannot be opened more than four (4) inches (102mm) from inside the car.

(2) When the car doors are so arranged that they cannot be opened when the car is outside the unlocking zone, the car doors shall be able to open from outside the car without the use of special tools.

(3) The unlocking zone shall extend from the landing floor level to a point no greater than eighteen (18) inches (457mm) above or below the landing floor level.

O. The owner of an existing facility whose car enclosure is being altered with materials or design different from the original must obtain an alteration permit from the department. At the completion of the alteration, an appropriate test for rated speed and rated load must be performed.

P. All existing passenger elevators equipped with door restrictors shall be provided with floor numbers conforming to the requirements of 71-5100-4-B.

Q. The owner of every facility shall have available on the premises any keys needed for access to machinery spaces and operation of the facility.

#### 71-5300. Permits and Certificate Required.

##### 1. Construction Permits:

A person, firm or corporation shall not erect, construct, alter or install after July 1, 1986, any facility without first obtaining from the Director a construction permit for such work.

##### 2. Registration and Operating Certificate:

A person, firm, or corporation shall not operate any facility serving any building or structure without a certificate of registration and an operating certificate issued by the Director.

#### 71-5310. Application for Construction Permit, Elevator Registration, and Operating Certificate.

1. Each application for a construction permit for new installation, alteration, or relocation shall be made in a manner as required by the Director and shall include three (3) copies of:

##### A. Detailed plans including:

(1) Sectional plan of car and hoistway;

(2) Sectional plan of machine room;

(3) Sectional elevation of hoistway and machine room, including the pit, bottom and top clearance of car, and counterweight;

(4) Size and weight of guide rails, and guide rail bracket spacing.

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B. Name and address of the person who designed the installation for which plans are submitted; and

C. Statement of Contract Price.

2. Each application for a facility registration shall be made in a manner as required by the Director and shall include the following for each facility:

A. Name and address of the owner;

B. Location;

C. Manufacturer;

D. Model or Type;

E. Contract load and speed;

F. Purpose or use;

G. Date of installation; and

H. Number of floors.

### 71-5400. Qualification of Special Inspectors.

1. Any applicant for a license as a special inspector shall present evidence of all qualifications as stated in the 2018 edition of QEI-1, The American National Standard for Qualification of Elevator Inspectors, and any later editions thereto as adopted by the American National Standards Institute. Submission of a copy of a valid Inspector's Certificate issued by any authority accredited by the American Society of Mechanical Engineers shall be evidence that the applicant has all required qualifications.

2. Each applicant for approval as a special inspector shall submit with his annual application evidence of insurance against errors and omissions (or approved general liability insurance) covering inspections of elevators in an amount of no less than \$500,000 per occurrence, procured from one or more insurers licensed to transact insurance in South Carolina or approved as a non-admitted surplus lines carrier for risks located in this State. Each policy, by its original terms or an endorsement, shall obligate the insurer that it will not cancel, suspend, or nonrenew the policy without thirty (30) days written notice of the proposed cancellation, suspension, or nonrenewal and a complete report of the reasons for the cancellation, suspension, or nonrenewal being given to the Commissioner. In the event the liability insurance is cancelled, suspended or nonrenewed, the insurer shall give immediate notice to the Commissioner.

3. Special inspectors shall conduct all follow-up, safety related complaints, and abatement inspections as called for by the Department and shall be responsible for submitting all associated paperwork.

4. Special Inspectors shall record and report the findings of all inspections conducted pursuant to S.C. Code 41-16-10 et seq. in a manner required by the Department. The Director may suspend or revoke a special inspector's license for failure to complete the inspection form as prescribed by the Department. The Director may also suspend or revoke a special inspector's license for any misrepresentation or omission of any material fact related to the inspection. In addition to the foregoing, the Director may withhold issuance of an Operating Certificate for failure to complete the inspection form as prescribed by the Department or misrepresentation or omission of any material fact related to the inspection.

5. Any special inspector may have his license revoked or may have a license denied to him who:

A. uses or discloses information gained in the course of or by reason of his official position for any purpose other than making official inspections;

B. receives compensation to influence his inspections;

C. uses a false, fraudulent, or forged statement or document or committed a fraudulent, deceitful, or dishonest act or omitted a material fact in obtaining licensure as a special inspector;

D. has had a license to practice a regulated profession or occupation including special inspector in another state or jurisdiction canceled, revoked, or suspended or who has otherwise been disciplined;

E. has intentionally or knowingly, directly or indirectly, violated or has aided or abetted in the violation or conspiracy to violate this article or a regulation promulgated under this article;

F. has intentionally used a fraudulent statement in a document connected with practice as a special inspector;

G. has obtained fees or assisted in obtaining fees under fraudulent circumstances;

H. has committed a dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public;

I. lacks the professional or ethical competence to practice as a special inspector.

J. has been convicted of or has pled guilty to or nolo contendere to a felony or a crime involving drugs or moral turpitude;

K. has practiced as a special inspector while under the influence of alcohol or drugs or uses alcohol or drugs to such a degree as to render him unfit to practice as a special inspector;

L. has sustained a physical or mental disability which renders further practice dangerous to the public;

M. has violated a provision of this article or of a regulation promulgated under this article.

6. Any special inspector whose license has been revoked or to whom a license has been denied may appeal this decision to the Commissioner or his designee within thirty days of receipt of written notice of the decision revoking or denying his license. The Commissioner or his designee will conduct a hearing to review the decision and will issue a written order of decision thereafter.

7. Any person aggrieved by the final action of the Commissioner may appeal the decision to the Administrative Law Court in accordance with the Administrative Procedures Act and the rules of the Administrative Law Court. Service of a petition requesting a review does not stay the Commissioner's decision pending completion of the appellate process.

#### 71-5500. Inspections.

1. All components, devices, and equipment, structures and other related items for facilities shall be inspected upon initial installation or registration, or at the time of alteration or repair prior to issuing an operating certificate and a minimum of one (1) time per year thereafter, prior to renewing an operating certificate.

Exceptions:



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a) All nuclear facilities employing high radiation shall be inspected at least once every two (2) years or before use by workers during routine plant shutdown. Such inspections may be scheduled to coincide with routine plant shutdown.

b) Dumbwaiters shall be inspected each time they are installed or altered.

c) Handicap lifts shall be inspected every five (5) years.

d) Manlifts, television tower elevators and special purpose elevators shall be inspected every seven (7) years.

2. Nothing in this section shall be construed to prevent inspections by the State Engineer, the State Fire Marshal, a representative of the South Carolina Board for Barrier Free Design and/or Local Building Officials, within their respective jurisdictions of the facilities, equipment, components, shafts, lobbies and equipment rooms for compliance with any approved codes or standards not part of these rules and regulations.

3. An operating certificate shall be displayed in a conspicuous location within each elevator car, or on a permanent object adjacent to all other types of facilities. In the alternative, a facsimile copy of the original operating certificate may be posted within each elevator car or on a permanent object adjacent to all other types of facilities.

4. An owner who desires to operate a new elevator facility on a temporary basis pending completion of a project may apply for a temporary operating certificate. A temporary operating certificate, good for sixty (60) days, will be granted where:

A. the facility is not available for public use;

B. the facility is operated by a qualified operator;

C. the facility complies with all requirements of the ANSI A17.1 and SBC and NEC except:

(1) Smoke detectors

(2) Fire Service

(3) Finished floor in car

(4) Photo eyes

(5) Telephone

(6) Shunt trip disconnect for sprinklers

### 71-5550. Accidents and Dangerous Facilities.

1. The owner or lessee of any facility which, during the course of its operation, is involved in an accident which results in a serious injury to any person other than an employee shall report the injury to the Director before the end of the next working day.

The report will include the names and addresses of the injured parties, the hospital where treatment was rendered, type of injuries, type of device involved owner, and any other information pertaining to the events leading up to the nature of and the outcome of the accident, as well as the status of the device involved in the accident.

2. If the inspector finds that a facility presents an imminent danger, he will notify in writing the facility operator, owner or lessee. If the facility is not immediately removed from service, the inspector will file a report of the imminent danger with the Director. A temporary or permanent restraining order will be sought where appropriate.

71-5600. Fee Schedules.

1. Construction Permits

A. The fee for a construction permit shall include the fee for registration and the first annual operating certificate of a facility.

| Contract Price/Per Facility | Fee      |
|-----------------------------|----------|
| \$1 - \$ 10,000             | \$250.00 |
| \$ 10,001 - \$ 30,000       | \$295.00 |
| \$ 30,001 - \$ 50,000       | \$345.00 |
| \$ 50,001 - \$ 80,000       | \$390.00 |
| \$ 80,001 - \$ 100,000      | \$410.00 |
| \$100,001 - \$200,000       | \$460.00 |
| \$200,001 - and up          | \$510.00 |

B. Fees under 71-5600 include one turn-over inspection. Any return turn-over inspection, for failing to comply, will be charged at a rate of \$150.00 per hour including travel time.

C. A fee of \$250.00 will be charged upon issuance of a temporary certificate, good for a period of no more than sixty (60) days. At the end of sixty (60) days the owner may a) apply for a renewal of a temporary certificate with a fee of \$250.00; b) have the elevator ready for a complete turnover inspection; or c) remove the elevator from service.

2. Operating Certificate:

A.(1) The fee for an annual operating certificate, after registration, whether initial or renewal, with inspection by the South Carolina Department of Labor, Licensing and Regulation shall be as follows:

| Number of Floors | Fee      |
|------------------|----------|
| 2 to 5           | \$125.00 |
| 6 to 12          | \$150.00 |
| 13 and above     | \$175.00 |

(2) The fee for an operating certificate, after registration whether initial or renewal, with inspection by the South Carolina Department of Labor, Licensing and Regulation shall be as follows:

| Type of Elevator | Fee                        |
|------------------|----------------------------|
| Handicap lifts   | \$75.00 every five years   |
| Manlifts         | \$200.00 every seven years |
| Television tower | \$300.00 every seven years |

Special Purpose Personnel Elevators:

|                     |                            |
|---------------------|----------------------------|
| 2-5 floors          | \$125.00 every seven years |
| 6-12 floors         | \$150.00 every seven years |
| 13 and above floors | \$175.00 every seven years |

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B. The fee for an annual operating certificate, after registration, whether initial or renewal, upon report of a special inspection shall be \$150.00 per facility.

C. The fee for a reinspection due to failure to make timely corrections of all deficiencies noted in an annual inspection report will be \$150.00 per hour of inspection time, including travel time.

### 3. License for Special Inspector:

A. The fee for an annual license as a special inspector shall be \$200.00.

### 71-5700. Procedure for Hearing Contested Citations and Assessments of Penalty.

1. Any owner aggrieved by any action taken pursuant to these rules may file a Notice of Protest within thirty (30) days of the date of the action protested.

### 2. Notice of Hearing.

A. Service: Upon receipt of a Notice of Protest by any owner of any facility, the Director shall serve notice of the time, place, and nature of a hearing to be held to determine the issues.

B. Contests: The Notice of Hearing shall include:

(1) Time, place, and nature of the hearing. The time shall be at least thirty (30) days from the service of Notice of Hearing unless the owner shall ask in writing for a shorter time;

(2) A short statement of the issues involved; and

(3) Designation of the representative of the Director who shall conduct the hearing as Hearing Examiner.

### 3. Hearing Procedures.

A.(1) The Hearing Examiner will explain briefly the purpose and nature of the hearing, will ascertain who will present the case for each of the parties, and will hear all preliminary matters.

(2) All persons who give testimony shall be sworn.

(3) A party shall be entitled to present all relevant facts by oral or documentary evidence or by affidavit if the parties so agree.

(4) Opposing parties shall have the right to cross-examine any witness whose testimony is introduced.

(5) In all proceedings commenced by the filing of a Notice of Protest, the burden of proof shall rest with the Department.

(6) A business entity which owns a facility may be represented at any hearing by an attorney licensed to practice in South Carolina, or by an officer or employee of the entity. Where the owner contracts with a property manager whose regular duties include management of the licensed facility, an officer or employee of the property manager may represent the owner.

B. Within a reasonable time after the Hearing Examiner has heard all evidence and considered any written briefs or memoranda submitted, he shall make a written recommendation to the Director. The Director shall then make his final disposition of the proceedings and shall serve it upon all parties.

C. The Director shall maintain a record of the proceedings which shall include testimony and exhibits.

71-5800. Procedure for Application for Variance.

1. Any owner of any facility may apply to the Director for a variance, either temporary or permanent, from any rule or regulation under this article.

2. Such variance shall be granted at the discretion of the Director if the owner establishes by sufficient evidence that:

A. Professional or technical personnel or data or of materials, design or equipment are unavailable; and

B. Alternative steps are being taken to safeguard against the hazard covered by the rule or regulation.

3. A variance application shall include:

A. The name and address of the petitioner;

B. Identifying information concerning the facility for which the variance is sought;

C. A specification of the standard or portion thereof from which the petitioner seeks a variance;

D. A representation by the petitioner, supported by statements from qualified persons having first-hand knowledge of the facts represented, that he is unable to comply with the standards or portion thereof and detailed statement of the reasons thereof;

E. A statement of the steps the petitioner has taken or will take, with specific dates where appropriate, to protect against the hazard addressed by the standard; and,

F. Where a temporary variance is sought, a statement of the time required to achieve compliance with the standard, not to exceed two (2) years.

71-5900. Effective Date.

The effective date of these regulations shall be July 1, 1986.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

The updated regulations will among other things: update language reflecting the current structure of the Office; update references to codes applicable to the programs; delete obsolete language; update language regarding forms; incorporate references to amusement ride manufacturer requirements; amend fees; and correct punctuation.

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Document No. 5310

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**SOUTH CAROLINA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS**  
**AND LAND SURVEYORS**  
**CHAPTER 49**

Statutory Authority: 1976 Code Sections 40-1-70, 40-22-50(B), and 40-22-60

49-603. Units of Credit.

### Synopsis:

The Board of Registration for Professional Engineers and Land Surveyors proposes to amend R.49-201 to correct a scrivener's error.

A Notice of Drafting was published in the *State Register* on July 26, 2024.

### Instructions:

Print the regulation as shown below. All other items remain unchanged.

### Text:

49-603. Units of Credit.

The conversion of other credit to PDH units is as follows:

|     |  |                         |
|-----|--|-------------------------|
| (1) | 1 College or unit semester hour  | 45 PDH                  |
| (2) | 1 College or unit quarter hour   | 30 PDH                  |
| (3) | 1 Continuing Education Unit  | 10 PDH                  |
| (4) | 1 Hour of professional development for attendance in course work, seminars, or professional or technical presentations made at meetings, conventions, or conferences | 1 PDH                   |
| (5) | For teaching as in 49-602C(4)  | PDH Credits are doubled |
| (6) | Each published technical or professional paper, article or book  | 10 PDH                  |
| (7) | Active participation in a professional and technical society   | 2 PDH                   |
| (8) | Each patent  | 10 PDH                  |

### Fiscal Impact Statement:

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

### Statement of Rationale:

The Board of Registration for Professional Engineers and Land Surveyors proposes to amend R.603(5) to correct a scrivener's error. Specifically, R.49-603(5) should be revised to reference R.49-602C(4) as opposed to 49-602(C)(5).

Document No. 5335

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
SOUTH CAROLINA STATE BOARD OF FUNERAL SERVICE  
CHAPTER 57**

Statutory Authority: 1976 Code Sections 40-1-70, 40-19-60, and 40-19-70

- 57-01. Definitions.
- 57-04. General Licensing Provisions for Embalmers.
- 57-05. General Licensing Provisions for Funeral Directors.
- 57-06.1. Apprenticeship Requirements.
- 57-08. Licensure by Endorsement.
- 57-10. Provisions for Permitting of Funeral Establishments.
- 57-12. Fees.
- 57-13.1. Code of Ethics.
- 57-13.2. Websites.
- 57-14.1. Records.
- 57-14.2. Equipment and practices.
- 57-14.3. Training of Crematory Operators.
- 57-14.4. Training of Certified Crematory Trainer/Preceptors.
- 57-15. Inspection guidelines.

**Synopsis:**

The South Carolina State Board of Funeral Service proposes to amend various sections of Chapter 57 of the Code of Regulations, including but not limited to changes necessary to conform to H.4116, which passed during the 2024 legislative session.

A Notice of Drafting was published in the *State Register* on May 24, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

ARTICLE 1

DEFINITIONS

57-01. Definitions.

Definitions found in Section 40-19-20 apply to this chapter.

(A) "Supervision" means protective oversight, including review, timely quality control, and inspection to assist the supervisee in preparing for practice and strengthening the skills of the supervisee. When the apprentice is assisting with funeral directing activities or embalming activities, direct supervision is required.

(B) "Continuing education" means an organized educational program designed to expand a licensee's knowledge base beyond the basic entry level educational requirements.

(C) "Contact hour" means a minimum of fifty (50) minutes of instruction.

(D) "Direct supervision" means the supervising licensee is present on the premises and readily available.

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(E) “Full-Time Employee” means a person whose work schedule requires that the employee be present a minimum of thirty-five (35) hours per week for the entire normal year of operation.

(F) “Cremains” or cremated remains, means the remains of a cremated human body recovered after the completion of a cremation, as provided for in Section 32-8-305(8), South Carolina Code of Laws, 1976, as amended.

(G) “Crematory” means a facility equipped with a gas retort or an alkaline hydrolysis chamber specifically designed for use in the cremation of human remains.

(H) “Cremation Casket” means a casket specifically designed for holding, viewing, transporting human remains and must meet the requirements listed in item (H) below.

(I) “Alternative container” means a receptacle, other than a casket, in which human remains are transported to a crematory and placed in a retort for cremation. An alternative container or cremation casket must be:

- (1) composed of readily combustible materials suitable for cremation;
- (2) resistant to leakage or spillage;
- (3) rigid enough for handling with ease;
- (4) able to provide protection for the health, safety, and personal integrity of crematory personnel.

(J) “Alkaline hydrolysis” means the technical process that reduces human remains, as defined in Section 32-8-305(22), South Carolina Code of Laws, 1976, as amended, to cremated remains using heat, water, and chemical agents.

(K) “Alkaline hydrolysis chamber” means the enclosed vessel within which the alkaline hydrolysis process takes place.

(L) “Retort” or “cremation chamber” means the gas-fired chamber within which cremation by heat and flame takes place.

### ARTICLE 3

#### LICENSING PROVISIONS

##### 57-04. General Licensing Provisions for Embalmers.

An applicant for initial licensure as an embalmer must:

- (A) Submit an application on forms approved by the Board, along with the required fee; and
- (B) Meet the qualifications requirement as specified in 40-19-230(A); and
- (C) Submit evidence of a passing score of at least seventy-five (75) on an examination approved by the Board.

##### 57-05. General Licensing Provisions for Funeral Directors.

An applicant for initial licensure as a funeral director must:

(A) be at least eighteen (18) years of age; and

(B) submit an application on forms approved by the Board, along with the required fee; and

(C) submit evidence of a high school diploma, or its equivalent and successful completion of a one-year course in an accredited mortuary college, successful completion of a bachelor's degree from a regionally accredited college or university or successful completion of sixty (60) semester hours at a regionally accredited college or university, including a minimum of twenty-four (24) semester hours divided among at least four (4) of the following areas:

(1) Psychological Sciences: This area may include courses in General Psychology, Guidance/Counseling, General Sociology, and other Psychology courses; and

(2) Business: This area may include courses in Accounting, Business Law, Math/Logic, Business Management, Typing, and Computer Science; and

(3) English: This area may include English, English Literature, and English Composition; and

(4) Natural/Biological/Physical Sciences: This area may include courses in Chemistry, Biology, Pathology, Microbiology, and Physiology; and

(5) Religion: This area may include courses in Religion, Bible, and Bible History; and

(D) submit evidence of successful completion of a minimum of twenty-four (24) months of full-time service as an apprentice under the direct supervision of a licensed funeral director approved by the Board; and

(E) submit evidence of a passing score of at least seventy-five (75) on an examination approved by the Board.

#### 57-06.1. Apprenticeship Requirements.

(1) An apprentice embalmer or funeral director must serve an apprenticeship of not less than twenty-four (24) months. Apprentice embalmers and funeral directors must be full-time employees as defined in this chapter; working under the direct supervision of a funeral director for funeral director apprentices or embalmer for embalmer apprentices who is licensed in South Carolina.

(2) During the course of the apprenticeship, an apprentice must submit reports of his or her funeral activities, indicating the actual number of funerals that he or she has assisted with and in what preparation he or she assisted with. All apprentices must report to the Board quarterly upon the forms provided by or approved by the board indicating all work completed during the reporting period.

(3) The apprentice must report quarterly, regardless of whether or not there has been any activity during the quarter. March 31, June 30, September 30 and December 31 are the quarter end dates for reporting purposes. Quarterly reports must be submitted to the office of the Board Administrator no later than thirty (30) days after the quarter's end. April 30, July 30, October 30 and January 30 are the due dates for the quarterly reports. It is the sole responsibility of the apprentice to ensure that quarterly reports are received in the office of the Board Administrator. Quarterly reports not received on time may not be accepted for credit toward completion of the apprenticeship. In no case shall an apprentice be permitted to complete his or her apprenticeship unless the reporting requirement is met.

(4) The apprentice embalmer or funeral director must conduct all embalming and funeral direction activities under the supervision of the designated supervising licensee as approved by the Board. When the apprentice is assisting with funeral directing activities or embalming activities, the supervisor must be present.



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(5) If the apprentice leaves the supervision of the licensee in whose service he or she has been engaged, the supervisor shall give the apprentice an affidavit showing the length of time served toward completion of the apprenticeship. The apprentice must request and obtain permission from the Board to change supervisors by completing a new application and receiving approval to change supervisors from the Board.

(6) To complete his or her apprenticeship, an apprentice embalmer or funeral director must assist in the embalming of at least fifty (50) cases for an apprentice embalmer or assist the funeral director in at least fifty (50) funerals for an apprentice funeral director. The apprentice embalmer or apprentice funeral director must document all embalming and funeral cases that he or she assists in during the apprenticeship period. Of the fifty (50) cases required, at least twenty-five (25) cases must include a series of tasks as specified by the Board and enumerated in the quarterly report form.

(7) A certificate of apprenticeship is renewable twenty-four (24) months after registration for an additional twelve (12) months. A certificate of apprenticeship may not be renewed more than three (3) times.

(8) If an apprentice does not become licensed as a funeral director or embalmer within five (5) years of completing his or her apprenticeship, the Board may require the applicant to complete all or part of the apprenticeship period.

(9) If an apprentice embalmer or funeral director does not complete his or her apprenticeship within five (5) years from the date of application, the Board may require the applicant to complete all or part of the apprenticeship period.

(10) An apprentice may serve under one supervisor per license type.

### 57-08. Licensure by Endorsement.

(A) An applicant that has been engaged in the licensed practice of funeral service for at least five years may be approved for a license by endorsement upon completing the following:

(1) submitting proof of having been engaged in the licensed practice of funeral service for at least five years by having issuing agency(ies) submit verifications of licensure;

(2) submitting evidence of receiving a passing score of at least seventy-five (75) on an examination approved by the Board;

(3) submitting an application on a Board-approved form, along with the required nonrefundable fee.

(B) An applicant who has been engaged in the licensed practice of funeral service in other jurisdiction(s) for less than five years may be approved for a license by endorsement upon completing the following:

(1) submitting proof that the requirements of the other jurisdiction(s) are substantially similar to the requirements of the Board;

(2) having issuing agency(ies) submit verification(s) of licensure;

(3) submitting evidence of receiving a passing score of at least seventy-five (75) on an examination approved by the Board; and

(4) submitting an application on a Board-approved form, along with the required nonrefundable fee.

(C) For applicants who have been engaged in the licensed practice of funeral service for less than five years, the Board has the authority to require the applicant to complete all or part of any South Carolina requirement to

ensure the applicant's experience and education are substantially similar to that required of non-endorsement applicants.

57-10. Provisions for Permitting of Funeral Establishments.

An applicant for permitting of a funeral establishment must:

- (A) submit an application on forms approved by the Board, along with the required fee; and
- (B) submit to an inspection of the funeral establishment. The inspection must show the establishment has the following:
  - (1) a chapel or parlor where funeral services may be conducted; and
  - (2) a preparation room equipped with a sanitary floor and necessary drainage, ventilation, necessary approved tables, hot and cold running water, and a sink separate from table drainage; instruments, and supplies, for the preparation and embalming of dead human bodies; and
  - (3) means of showing photographs or other representations of available caskets and other necessary funeral supplies; and
  - (4) a minimum of one (1) motor hearse for transporting casketed human remains; and
  - (5) submit evidence that the facility meets all State and local building and fire codes; and
- (C) submit the name of a licensed funeral director as manager of the facility who is or will become, prior to opening the facility, a full-time regular employee in responsible charge of the establishment and who is legally and ethically responsible for all actions taken at the establishment. In the event the manager leaves the facility or is unable to perform the duties of a facility manager, the facility shall, within thirty (30) days submit, on a form approved by the Board, the name of the successor manager as required in Section 40-19-270(C), South Carolina Code of Laws (1976, as amended). As a part of the application, the manager must submit a notarized statement that he or she has been licensed in South Carolina for at least one (1) year prior to being named the manager of the facility; and
- (D) submit evidence satisfactory to the Board that the owner of the facility is a South Carolina licensed funeral director, if a sole proprietorship. If a partnership, at least one (1) partner must be a licensed funeral director, or the partnership must employ a full-time manager. If a corporation, at least one (1) officer of the corporation must be a licensed funeral director, or the corporation must employ a full-time manager. Owners of facilities may be required to submit partnership agreements, corporate resolutions, or any other such documents as may be requested by the Board to demonstrate compliance with this provision.

ARTICLE 5

FEES

57-12. Fees.

- (A) The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-17.
- (B) All fees are nonrefundable.

ARTICLE 7

CODE OF ETHICS

57-13.1. Code of Ethics.

(A) Responsibilities to the Family.

(1) A funeral director shall, where possible, fully inform the family of the deceased concerning the time, the place, and details of the funeral service.

(2) A funeral director shall consider the financial limitations of the family of the deceased when counseling the family in the selection of services and furnishings.

(3) A funeral director shall explain to the family of the deceased costs of the services and the merchandise and disclose the range of prices for funeral goods and services available.

(4) A funeral director shall review with the family of the deceased all death benefits and burial allowances of which he is aware.

(5) A funeral director shall provide a statement of goods and services for the family to approve showing the price of the services and merchandise that was selected, the price of each of the supplemental items of the service, and the amount involved for each of the items for which the funeral director will advance monies as an accommodation to the family.

(6) A funeral director shall not make any misrepresentation concerning any aspect of the services rendered or the funeral furnishings or disposition alternatives.

(B) Confidentiality.

(1) A funeral director shall not disclose the cause of death of the deceased, expenditures for the funeral, the cost of the service, the source of funds or other information of a personal nature except with the express permission of the immediate family, or their authorized representatives.

(C) Property.

(1) A funeral director shall dispose of the personal effects of the deceased in accordance with the wishes of the family.

(D) Organ Donation.

(1) A funeral director shall support the wishes of families who authorize organ or body donations, if the body is needed and medically acceptable.

(E) Responsibilities to the Clergy.

(1) A funeral director shall respect the customs and mourning habits of all religious creeds and denominations and shall adjust services to conform with the rituals and the beliefs of the family of the deceased.

(2) A funeral director shall honor the wishes and desires of the clergy in conducting the service whenever possible, except that the wishes of the clergy person shall be subservient to those of the family except when dogma is involved.

(3) A funeral director shall abide by the rules and regulations of the church when the funeral service is held in a church.

(4) A funeral director shall make appropriate referrals when religious or pastoral counseling is requested.

(F) Responsibilities to Medical and Hospital Personnel.

(1) A funeral director or embalmer shall promote public health by conforming with health laws and regulations.

(2) A funeral director or embalmer shall not discourage autopsy of the deceased unless instructed to do so by the immediate family.

(G) Responsibilities regarding the Deceased.

(1) Licensees and registrants shall ensure that human remains and cremated remains are treated with dignity and respect at all times.

(2) Human remains must be stored and transported face up at all times.

(3) Human remains must be clothed or completely covered while the human remains are in the holding facility, while they are being refrigerated, and after the human remains have been embalmed.

(4) Human remains, including human remains which have been placed in a cremation casket or alternative container, must not be placed or stored directly on the floor, including the floor of a refrigeration unit.

(5) Human remains, including human remains which have been placed in a cremation casket or alternative container, must not be placed on another for the purpose of storage, transportation or otherwise.

(6) Human remains and cremated remains shall be secure from access by anyone other than an employee of the crematory, except an authorized person in the ordinary course of his or her work.

(7) The premises of any location where human remains and cremated remains are stored must be maintained in a sanitary and professional manner.

57-13.2. Websites.

Websites for funeral establishments must list the individual South Carolina State Board of Funeral Service license or registration number of all licensed funeral directors, licensed embalmers, and registered crematory operators employed at the establishment and further must identify all other employees mentioned in the website as either unlicensed or apprenticed, as the case may be. If a funeral director's license, embalmer's license, or crematory operator's registration is subsequently lapsed, revoked, suspended, or surrendered, the website shall not continue to identify the individual as licensed or registered as long as the disqualification exists.

ARTICLE 8

CREMATORY REQUIREMENTS

57-14.1. Records.

Records, policies, and procedures will be maintained at the crematory site and will be available for inspection at all times.

(A) The crematory shall maintain a log which shows clearly:

(1) The name of the deceased;

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- (2) A unique identification number assigned to each deceased;
- (3) Authorization for cremation;
- (4) Date body received at the crematory;
- (5) Type of cremation container received;
- (6) Date cremated;
- (7) Date cremains delivered;
- (8) To whom the cremains were delivered.
- (9) Name of Registered Crematory Operator who performed the cremation.

(B) The crematory shall develop and implement a system to assure the identification of each deceased through all steps of the crematory process.

(C) The crematory shall develop and implement a system to track each deceased through all steps of the crematory process and shall attach a physical identification to each body which shall accompany it at all times during the cremation process. This identification may be attached to the outside of the retort or alkaline hydrolysis chamber during the period of actual cremation.

(D) The crematory shall maintain current operators manual for each retort or alkaline hydrolysis chamber and a maintenance record for each retort or alkaline hydrolysis chamber.

(E) Where a family requests removal of dental gold or other dental work, they shall be allowed to arrange for such removal by a licensed dentist of their choice and the crematory will allow access to that dentist. The crematory log will record the name and license number of the dentist.

(F) Crematories may only cremate human remains, the cremation of animals is forbidden.

### 57-14.2. Equipment and practices.

(A) Each crematory must provide a holding facility of suitable size to accommodate all human remains which are retained and awaiting cremation.

(B) For cremation by heat and flame, each crematory must be equipped with a commercially manufactured retort, made specifically for the cremation of human remains and including the following features:

- (1) An ash collection pan to minimize the commingling of cremated remains of one human with another;
- (2) A hearth floor without depressions to minimize the commingling of cremated remains of one human with another;
- (3) A door safety switch to stop the burner operation when the front charging door is opened;
- (4) A pollution monitoring system to monitor and detect smoke when the density exceeds applicable state and federal standards, whereupon the system will automatically stop the burner operation on a time setting of not less than three (3) minutes;
- (5) Approval by Underwriters Laboratory or a comparable laboratory.

(C) For cremation by alkaline hydrolysis, each crematory must be equipped with a commercially-manufactured alkaline hydrolysis chamber made specifically for the cremation of human remains that includes the following:

(1) a collection pan, tray, or other device that is designed for the purpose of removing cremated remains from the alkaline hydrolysis chamber and to minimize the commingling of cremated remains.

(D) The retort or alkaline hydrolysis chamber shall be in good working order at all times. If a retort or alkaline hydrolysis chamber is unavailable for any period exceeding twenty-four (24) hours, the crematory shall refuse to accept any body until such time as the retort or alkaline hydrolysis chamber is working, unless that body can be maintained under appropriate refrigeration as described in Subsection (F).

(E) Each crematory must have a commercially manufactured processor made specifically for the pulverization of cremated remains and equipped with the following features:

- (1) Capable of consistently processing cremated remains to unidentifiable dimensions;
- (2) Rust resistant processing chamber;
- (3) Exterior surface made of easily cleaned, non-corrosive material.

(F) If the crematory provides a refrigeration unit for the holding of human remains in its custody for twenty-four (24) or more hours, it must meet the following standards:

- (1) Is capable of maintaining interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it was designed;
- (2) Has a surface of sealed concrete, stainless steel, galvanized steel, aluminum or other easily cleaned material.

(G) The crematory shall maintain a vacuum system in working order and able to capture small bone fragments as well as some residual dust.

(H) The crematory shall remove all cremated remains from the retort or alkaline hydrolysis chamber at the conclusion of each cremation and shall minimize residual dust.

(I) The crematory shall be operated by an individual registered with the Board as a crematory operator in accordance with Section 32-8-385, South Carolina Code of Laws, 1976, as amended.

(J) The crematory will provide and require that its operator use proper safety equipment including:

- (1) Heat Resistant Apron;
- (2) Heat Resistant Gloves (at least to the elbow);
- (3) Safety glasses with side shields, goggles or face shield.

(K) All cremated remains will be placed in a closed, rigid, and leak resistant container, specifically designed for the storage of cremated remains.

57-14.3. Repealed.

57-14.4. Repealed.

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### ARTICLE 9

#### INSPECTION GUIDELINES

##### 57-15. Inspection guidelines.

Inspection guidelines include the following:

(1) An embalming room of at least 100 square feet. Funeral homes in operation prior to April 23, 2010, are exempt from the 100 square foot requirement;

(2) A preparation room equipped with sanitary floor and necessary drainage, ventilation, necessary approved tables, hot and cold running water and a sink separate from table drainage, an OSHA-approved shower and eye wash station, hydro or electric aspirator (if hydro, it must be equipped with a backflow preventor on the facility's water system), embalming machine, or gravity bottle or bulb or hand pump, at least one scalpel, two aneurysm needles, assorted canulae, suture needles, trocar, antiseptic soap, twelve (12) bottles of arterial fluid, and two bottles of cavity fluid;

(3) Handicapped accessible restrooms, water fountains and accessibility to and throughout the facility; where water fountains are not accessible, alternatives such as bottled water shall be provided;

(4) One working and licensed motor hearse for transporting casketed and non-casketed human remains;

(5) Sanitary waste receptacle and hazardous waste receptacle;

(6) Ventilating system that is screened and has an air exchange of twelve (12) times per hour to the outside;

(7) Means of showing photographs or other representations of available caskets and other necessary funeral supplies;

(8) Multiple copies of the General Price List, a Casket Price List, an Outer Burial Container Price List, and multiple copies of the Statement of Goods and Services in compliance with federal and state law;

(9) An approved COMPLETED PERMIT APPLICATION or CURRENT FACILITY PERMIT DISPLAYED;

(10) If a chapel or parlor for funeral services is provided, it must be inspected for safety and cleanliness.

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

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

##### **Statement of Rationale:**

The updated regulations will amend and add definitions to include terms related to cremation; clarify licensure requirements for embalmers; remove prohibitions from licensure for conviction of a violent crime or crime of moral turpitude; clarify requirements for licensure by endorsement; update requirements for a funeral establishment to show availability of caskets and other funeral supplies; update continuing education requirements; describe ethics related to handling of the deceased; update website requirements to incorporate references to crematories; update crematory requirements to include information related to alkaline hydrolysis, among other things; and repeal existing sections on training for crematory operators and certified crematory operators and preceptors.

Document No. 5311

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
SOUTH CAROLINA BOARD OF GENETIC COUNSELORS  
CHAPTER 41**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-85-10(B)(1)(d)

- 41-1. Definitions. (New)
- 41.10. American Board of Genetic Counseling Certified Genetic Counselor Credential Recertification. (New)
- 41-20. American Board of Genetic Counseling Discipline. (New)
- 41-30. Continuing Education Requirements. (New)
- 41-40. License Renewal. (New)
- 41-50. Reinstatement of Lapsed Licenses. (New)
- 41-60. Limited Licenses. (New)
- 41-70. Name and Address Changes. (New)
- 41-80. Code of Ethics. (New)
- 41-90. Opinion Testimony. (New)
- 41-100. Recordkeeping and Patient Confidentiality. (New)
- 41-110. Applicability, Legal Effect, and Severability of Regulations. (New)

**Synopsis:**

The Board of Genetic Counselors is proposing regulations to implement the requirements of Act 187 of the 2024 legislative session, which established the South Carolina Board of Genetic Counselors as a board administered by the Department of Labor, Licensing and Regulation, including but not limited to establishing minimum continuing education requirements, documentation requirements for supervisors of limited licensees, and requirements for reinstatement of lapsed licenses.

The Notice of Drafting was published in the *State Register* on August 23, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

## 41-1. Definitions.

Whenever used in these regulations, unless expressly stated otherwise, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:

- A. "ABGC" means the American Board of Genetic Counseling, its successor, or its equivalent.
- B. "Board" means the South Carolina Board of Genetic Counselors, as created by S.C. Code Section 40-85-10.
- C. "CGC" means the Certified Genetic Counselor credential issued by the American Board of Genetic Counseling.
- D. "Limited licensee" means a person who obtains a limited license by the board who meets all the requirements for licensure except the successful completion of the examination, and whose activities are performed under supervision.



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E. “NSGC” means the National Society of Genetic Counselors, its successor, or its equivalent.

F. “Supervision” means supervision provided by a licensed genetic counselor or physician and shall mean the review of genetic counseling and case management as appropriate that include regular chart reviews of clients with the limited license and the supervisor. Supervision may be conducted in-person or by telesupervision.

G. “Telesupervision” means clinical supervision that is provided by an electronic communication device.

### 41-10. American Board of Genetic Counseling Certified Genetic Counselor Credential Recertification.

A. A licensed genetic counselor who fails to recertify his or her ABGC CGC credential shall immediately be indefinitely suspended from the practice of genetic counseling effective the first day following expiration of the CGC credential.

B. A licensed genetic counselor shall immediately inform the Board of the expiration of his or her CGC credential. Such report shall be made no later than five (5) business days after the expiration of the credential.

C. Should the individual be reissued a CGC credential in accordance with the ABGC requirements, he or she shall be required to appear before the Board to request that the suspension be lifted.

### 41-20. American Board of Genetic Counseling Discipline.

A. Should the ABGC revoke, deny certification of, or deny recertification of the CGC credential of a licensee, the licensee shall report such action within five (5) business days to the Board. The licensee shall immediately be indefinitely suspended from the practice of genetic counseling in this State. Such report shall be considered an initial complaint under the S.C. Genetic Counselors Practice Act.

B. A licensed genetic counselor who is required to appear before the ABGC Disciplinary Review Committee shall, upon notice of such appearance, report such disciplinary review to the Board within five (5) business days and provide the Board with a full and complete copy of the ABGC Notice of Review. The Board or its designee shall determine if immediate action against the license, including but not limited to indefinite suspension, is appropriate based upon the allegations in the Notice of Review, the documentation substantiating the offense, and any information provided by the licensee in response to the allegations.

C. An individual who does not hold an active CGC credential is not authorized to practice genetic counseling in this State.

### 41-30. Continuing Education Requirements.

A. Licensees are required to comply with ABGC continuing education requirements as necessary to maintain an active ABGC CGC credential.

B. The Board does not approve continuing education programs or offerings.

### 41-40. License Renewal.

A. A genetic counselor license must be renewed biennially. The license expires on April 30<sup>th</sup> of each odd-numbered year.

B. To renew a genetic counselor license, the licensee shall:

- (1) pay a renewal fee as provided by regulation; and

- (2) submit evidence of an active ABGC CGC credential.

C. A license that is not renewed on or before April 30<sup>th</sup> is invalid and is considered lapsed. A lapsed license may only be reinstated in accordance with R.41-50.

- D. A limited license cannot be renewed.

#### 41-50. Reinstatement of a Lapsed License.

- A. A genetic counselor whose license has lapsed for:

- (1) fewer than two (2) years may reinstate the license by applying to the Board, submitting proof of an active ABGC CGC credential, and paying the reinstatement fee; and

- (2) two (2) or more years may reinstate the license by meeting all qualifications for initial licensure, applying to the Board, submitting proof of an active ABGC CGC credential, and the reinstatement fee, and completing additional education and/or accepting any other conditions or restrictions placed upon the license as the Board may deem necessary to protect the public.

- B. If during the period of lapse or inactivity, the individual's ABGC CGC credential has expired, the genetic counselor license will not be eligible for reinstatement until the CGC credential is restored.

#### 41-60. Limited Licenses.

A. An individual who satisfies all the requirements and qualifications for genetic counselor licensure, except for having taken and passed the ABGC examination for issuance of a CGC credential may be issued a limited license if the individual:

- (1) holds active candidate status for the certification with ABGC;
- (2) has not failed the certification examination associated with his or her active candidate status more than one (1) time;
- (3) certifies to the Board that he or she:
  - (a) shall take, or take for the second time, the certification examination associated with his or her active candidate status on the next available date the examination is offered;
  - (b) shall only practice genetic counseling under the direct supervision of a licensed genetic counselor or physician as defined in section E below; and
  - (c) is not otherwise disqualified due to any ground for licensure denial provided by law.

- B. A limited license shall expire upon the earlier of:

- (1) the date on which the applicant successfully passes the ABGC examination, becomes credentialed as a CGC, and is issued a genetic counselor license by the Board;
  - (2) thirty (30) days after the applicant fails the examination for certification the second time; or
  - (3) one (1) year from the date the limited license was issued.

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C. An individual who holds a limited license shall inform the Board in writing within five (5) business days of the results of his or her certification examination or of the individual's failure to appear for the examination for which he or she was scheduled.

D. Limited licenses may not be renewed, extended, or reissued. Should a limited license holder fail the ABGC examination twice, the individual may not be considered for limited or full licensure in this State until such time as he or she passes the ABGC examination and obtains the CGC credential.

E. Individuals holding a limited license must practice under the supervision of a qualified South Carolina-licensed genetic counselor or South Carolina-licensed physician whose license is active and has no restrictions.

F. The limited license holder and the supervisor shall enter into a supervision agreement that:

- (1) is on a form approved by the Board;
- (2) is signed by both parties; and
- (3) names an alternate supervisor.

G. A limited license holder is subject to discipline by the Board to the same extent as a licensed genetic counselor.

### 41-70. Name and Address Change.

A licensee shall notify the Board within fifteen (15) days of a name or address change.

### 41-80. Code of Ethics.

The Board adopts the NSGC Code of Ethics except to the extent that it conflicts with the laws of this State and/or Board policy. Each licensee is responsible for being familiar with and complying with the NSGC Code of Ethics.

### 41-90. Opinion Testimony.

Licensed genetic counselors shall not offer or accept an offer to engage in rendering opinion testimony relating to work performed for their patients and shall limit their role to fact witness in any matter involving that patient unless otherwise required by law or court order.

### 41-100. Recordkeeping and Patient Confidentiality.

A. Licensed genetic counselors shall:

- (1) make contemporaneous, permanent entries into patient records that accurately reflect the genetic counseling services rendered;
- (2) maintain the confidentiality of any information received from any person or source about a patient unless disclosure is authorized in writing by the patient or otherwise authorized or required by law or court order. Inquiries shall not be made into persons or situations not necessary to provide genetic counseling to a patient;
- (3) be responsible for complying with applicable State and Federal law in regard to the security, safety, and confidentiality of any genetic counseling record they create, maintain, transfer, or destroy;

(4) ensure patient records are maintained for a period of not less than seven (7) years after the date of the last entry or for a longer period as may be otherwise required by law unless such records are maintained by another provider or entity;

(5) not abandon or neglect current patients without making reasonable arrangements for continuation of necessary genetic counseling services by another professional; and

(6) provide patients with access to copies of the patients' records in accordance with State and Federal law. In situations involving multiple patients, access to records is limited to those parts of the records that do not include confidential information related to another patient.

#### 41-110. Applicability, Legal Effect, and Severability of Regulations.

A. The regulations of the Board are intended to be consistent with the applicable Federal and State law and shall be so construed, whenever necessary, to achieve such consistency.

B. In the event that any provision of these regulations is declared unconstitutional or invalid or that the application of them to any person or circumstance is held invalid, the applicability of the provision to other persons and circumstances, and the constitutionality or validity of every other provision of these regulations shall not be affected.

C. These regulations shall not affect pending actions or proceedings, civil or criminal, which may not be prosecuted or defended in the same manner and with the same effect as though these regulations had not been promulgated.

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

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

#### **Statement of Rationale:**

The Board of Genetic Counselors is proposing regulations to implement the requirements of Act 187 of the 2024 legislative session, which established the South Carolina Board of Genetic Counselors as a board administered by the Department of Labor, Licensing and Regulation, including but not limited to establishing minimum continuing education requirements, documentation requirements for supervisors of limited licensees, and requirements for reinstatement of lapsed licenses.

Document No. 5312  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE BOARD OF MEDICAL EXAMINERS**  
 CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, 40-47-110, and 40-47-1010

#### 81-120. Continued Professional Education for Physician Assistants. (New)

#### **Synopsis:**

The State Board of Medical Examiners proposes adding regulations establishing continuing education requirements for PAs.

A Notice of Drafting was published in the *State Register* on May 24, 2024.

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### Instructions:

Print the regulation as shown below. All other items remain unchanged.

### Text:

81–120. Continued Professional Education for Physician Assistants.

The continued professional competency of a physician assistant holding a South Carolina license that renews biennially must be demonstrated in the following manner:

(A) One hundred (100) CME credits, including no less than 50 Category 1 CME credits. The remaining 50 credits can be Category 1, Category 2 or a combination of both. Four continuing education hours must be related to approved procedures of prescribing and monitoring controlled substances listed in Schedules II, III, and IV, as required by state law set forth in South Carolina Code § 40-47-965(B)(2).

(1) Category 1 CME credits must be sponsored by the American Medical Association as accredited by ACCME, the American Osteopathic Association as accredited by the AOACCME, the American Academy of Physician Associates (AAPA), or another organization approved by the Board as having acceptable standards for courses it sponsors.

(2) Category 2 CME credits must meet the definition of the AMA, which defines Category 2 CME as: The AMA recognizes that there are other educational experiences that may not be developed by an accredited CME provider or may not qualify for direct credits, but that do provide valuable learning for the physician assistant. Examples of such activities include: (1) teaching residents, medical students or other health professionals; (2) unstructured online researching and learning (i.e., not Internet PoC); (3) reading authoritative medical literature; (4) consultation with peers and medical experts; (5) group discussions; (6) self-assessment activities; (7) medical writing; (8) preceptorships; (9) research; (10) participating in live activities not designated for AMA PRA Category.

(B) Proof of completing CME credits must be maintained for no less than 3 years following renewal. The Board of Medical Examiners may conduct random audits of CME hours to establish proof of compliance with continuing education requirements.

(C) Current certification with the National Commission on Certification of Physician Assistants (NCCPA) establishes compliance with the requirements of this regulation except for hours related to prescribing and monitoring controlled substances, which must be completed biennially as required by state law.

### Fiscal Impact Statement:

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

### Statement of Rationale:

The South Carolina Board of Medical Examiners proposes to promulgate regulations establishing continuing education requirements for PAs.

Document No. 5338  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**  
CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-220

71-506. Representatives of Employers and Employees.

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to add to and/or amend its regulations regarding the Worker Walkaround Representative Designation Process.

A Notice of Drafting was published in the *State Register* on May 24, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

71-506. Representatives of Employers and Employees.

A. The Safety Specialist shall be in charge of inspections and questioning of persons. A representative of the employer and a representative authorized by employees shall be afforded an opportunity to accompany a Safety Specialist during any inspection provided for under this subarticle for the purpose of aiding such inspections. In places of employment where groups of employees are represented by different representatives, a different employee representative for different phases of the inspection is acceptable to the extent it does not interfere with the inspection. In the interest of affording all employees an opportunity to be represented, more than one representative may accompany the Safety Specialist during any phase of the inspection, if the Safety Specialist so directs.

B. The Safety Specialist is authorized to deny the right of accompaniment under this regulation to any person whose conduct interferes with a fair and orderly investigation or as required with respect to security matters or trade secrets. The provisions of R.71-505 and 71-506 shall be implemented so as to avoid any undue and unnecessary disruption of the normal operations of the employer's plant.

C. The representative(s) authorized by employees may be an employee of the employer or a third party. When the representative(s) authorized by employees is not an employee of the employer, they may accompany the Safety Specialist during the inspection if, in the judgment of the Safety Specialist, good cause has been shown why accompaniment by a third party is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace (including but not limited to because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces or language or communication skills).

D. A representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Director, the Director's assistant, or inspector, within limits of paragraphs A, B, and C above, during the physical inspection of any workplace for the purpose of aiding such inspection. No employee shall suffer any loss of wages or other benefits which would normally accrue to him because of his participation in the walk-around inspection. Such violations of this regulation shall be reported to the Director. Where there is no authorized representative, the Director, the Director's assistant, or inspector shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

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### Fiscal Impact Statement:

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

### Statement of Rationale:

The updated regulations will add to and/or amend its regulations regarding the Worker Walkaround Representative Designation Process. In the final rule, OSHA is amending its Representatives of Employers and Employees regulation to clarify that the representative(s) authorized by employees may be an employee of the employer or a third party; such third-party employee representative(s) may accompany the OSHA Safety Specialist when, in the judgment of the Safety Specialist, good cause has been shown why they are reasonably necessary to aid in the inspection. In the final rule, OSHA also clarified that a third party may be reasonably necessary because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills. OSHA concluded that these clarifications aid OSHA's workplace inspections by better enabling employees to select representative(s) of their choice to accompany the Safety Specialist during a physical workplace inspection. Employee representation during the inspection is critically important to ensuring OSHA obtains the necessary information about worksite conditions and hazards.

Document No. 5272

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
SOUTH CAROLINA BOARD OF EXAMINERS IN OPTICIANRY  
CHAPTER 96**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-38-60

96-104. General Licensing Provisions.

96-108. Continuing Education.

96-109. Fees.

### Synopsis:

The Board of Examiners in Opticianry proposes to repeal R.96-104 as it is duplicative of statute and therefore unnecessary. The Board further proposes to amend R.96-108 to clarify the requirements for continuing education (CE) courses for licensees and the approval process for those courses, and to amend R.96-109 to delete the reference to a Board web address that is no longer active.

A Notice of Drafting was published in the *State Register* on May 24, 2024.

### Instructions:

Print the regulation as shown below. All other items remain unchanged.

### Text:

#### ARTICLE 3

#### LICENSING PROVISIONS; EXAMINATIONS; APPRENTICESHIP REGISTRATION AND PROGRAM PROVISIONS; REINSTATEMENT

96-104. Repealed.

#### ARTICLE 4

*South Carolina State Register Vol. 49, Issue 5  
May 23, 2025*

## CONTINUING EDUCATION

## 96-108. Continuing Education.

(A) As a condition of renewal, every licensed optician and registered apprentice shall earn four (4) hours of Board-approved continuing education credits per year.

(B) As a condition of renewal, every optician licensed to dispense contact lenses shall earn one (1) hour of Board-approved continuing education credit per year devoted to contact lenses in addition to the requirements in Section (A) above.

(C) The Board accepts continuing education courses that meet the following criteria:

- (1) Courses and speakers must be ABO/NCLE approved.
- (2) Courses must be technical in content. Course content must be presented in a manner that does not promote the sales or marketing of a product, service, or business.
- (3) One (1) hour of the required four (4) hours may be in practice or retail management.
- (4) The Board will not accept law courses from other states.

(D) A temporary waiver for continuing education may be granted to those licensees living outside the United States. Upon return to the country, licensees must complete the required continuing education hours for each twelve (12) month period during which they were overseas.

## ARTICLE 5

## FEES

## 96-109. Fees.

The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-27 and on the South Carolina Board of Examiners in Opticianry website.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

The updated regulations will repeal R.96-104 as it is duplicative of statute and therefore unnecessary. The updated regulations will amend R.96-108 to clarify the requirements for continuing education (CE) courses for licensees and the approval process for those courses, and to provide guidance to licensees living overseas regarding a CE waiver while out of the country and obtaining the CE upon return. Finally, the updated regulations amend R.96-109 to delete the reference to a Board web address that is no longer active.

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Document No. 5339  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE BOARD OF PHARMACY**  
CHAPTER 99

Statutory Authority: 1976 Code Sections 40-1-70, 40-43-60(D)(8), 40-43-83(I), and 40-43-86(B)(3)(c)

99-43. Facility Permit Classifications.

**Synopsis:**

The South Carolina Board of Pharmacy proposes amending various sections of Chapter 99, to include changes required to confirm with H.3592, which passed during the 2024 legislative session.

The Notice of Drafting was published in the *State Register* on May 24, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

99-43. Facility Permit Classifications.

A. Definitions

1. Unless otherwise indicated, “Board” shall mean the South Carolina Board of Pharmacy.
2. “Practice Act” shall mean the South Carolina Pharmacy Practice Act, as set forth in S.C. Code Section 40-43-10, et seq.
3. Unless otherwise indicated, for purposes of this regulation, all words shall be defined in accordance with the definitions set forth in the Practice Act.
4. For purposes of this regulation, the word “device” is limited to devices dispensed to a patient. “Device” shall not include devices used by practitioners in the normal course of treating patients, such as dental appliances, surgical equipment, etc.

B. Pharmacy Permits

1. Resident Pharmacy Permit

a. A pharmacy located in South Carolina must obtain a Resident Pharmacy Permit issued by the Board to dispense legend drugs and/or devices to a patient or a patient’s agent.

b. To obtain a Resident Pharmacy Permit, an applicant located in South Carolina must:

(1) submit a written application in the form prescribed by the Board along with the appropriate application fee; and

(2) undergo an inspection by the Board in which the applicant demonstrates that it is in compliance with the applicable provisions of the Practice Act.

2. Non-Resident Pharmacy Permit

a. A pharmacy located outside the geographic boundaries of South Carolina must obtain a Non-Resident Pharmacy Permit issued by the Board to dispense legend drugs and/or devices to a patient, or a patient's agent, located in South Carolina.

b. To obtain a Non-Resident Pharmacy Permit, an applicant must submit a written application in the form prescribed by the Board along with the appropriate application fee. The following information must be submitted with the application:

(1) A copy of the resident state pharmacy permit and DEA registration (if applicable) and a list of all additional state permits and controlled substance registrations (if applicable);

(2) A copy of all reports from operational inspections conducted within the last two years, as well as any current accreditations and/or certifications by any governmental or third-party entity;

(3) A copy of the policy and procedure for shipping refrigerated products;

(4) A copy of a dispensed label;

(5) Photographs of the exterior of the pharmacy building to include identifiable parts of adjacent buildings, the front end of the pharmacy, the consulting area, drop-off/pickup locations, and the compounding work area (if applicable); and

(6) An organizational chart setting forth the applicant's corporate structure, including its parent company, legal name and trade name. This chart must also identify any individual owners with an ownership interest equal to, or greater than, ten percent of the entity.

c. If an applicant for a Non-Resident Pharmacy Permit engages in the compounding of drugs, whether sterile or non-sterile, and regardless of whether the applicant intends to immediately ship compounded drugs into South Carolina at the time of the application, the applicant must submit the following:

(1) documentation of continuing education in the science and art of compounding for pharmacists and technicians involved in compounding. This must include six (6) hours of initial training and four (4) hours of annual training thereafter. The training does not have to be ACPE-approved;

(2) a diagram and photographs of all compounding areas;

(3) environmental control logs, to include (if applicable):

(a) refrigerator/freezer temperature monitoring;

(b) pressure differential monitoring; and

(c) temperature/humidity in compounding area monitoring;

(4) logs documenting cleaning of all areas used in the compounding process;

(5) formulas and completed logs for the applicant's top five compounded products with a copy of the actual prescription and label. Labels and beyond use dates must be submitted for each of the following types of sterile compounds produced (if applicable): minibag; large volume; TPN; syringe; and vial. Documentation must show beyond use dating and reasoning for the date assigned;

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(6) compounding policies and procedures, specific to the applicant's facility, as applicable, for the following: quality control; sterile compounding technique; cleaning/maintenance of compounding area and equipment; and general compounding; and

(7) a copy of the report resulting from the last inspection of the applicant's hoods, buffer, clean and ante areas (including ISO classification, particle counts, and microbiology) by a qualified individual.

d. A pharmacist or other individual knowledgeable about all aspects of the applicant's operations must personally appear at a hearing before the Board, or its duly-authorized committee, to answer questions regarding the applicant's operations. This appearance shall be in lieu of an in-person inspection of the applicant's facility and is designed to provide the Board with information that would typically be obtained during an in-person inspection.

### 3. Resident Central Fill Pharmacy Permit

a. A Central Fill Pharmacy Permit is required for a pharmacy facility that, upon the request of an originating pharmacy, fills a prescription drug order and returns the filled prescription to the originating pharmacy for delivery to the patient or patient's agent. A central fill pharmacy that returns filled prescriptions to an originating pharmacy must not be required to obtain a wholesaler/distributor permit. A Central Fill Pharmacy Permit is required, in addition to a SC Pharmacy permit, if a pharmacy is engaging in central fill as well as dispensing.

b. To obtain a Central Fill Pharmacy Permit, an applicant must:

(1) submit a written application in the form prescribed by the Board along with the appropriate application fee which is equal to the amount of a Resident Pharmacy Permit application fee;

(2) present the name of the owner, permit holder, and pharmacist-in-charge of the pharmacy for service of process;

(3) present evidence of the applicant's ability to provide the Board a record of a prescription drug order dispensed by the applicant to a resident of this State not later than seventy-two hours after the time the Board requests the record;

(4) present an affidavit by the pharmacist-in-charge which states that the pharmacist has read and understands the laws and regulations relating to central fill pharmacy in this state.

### 4. Non-Resident Central Fill Pharmacy Permit

a. A Central Fill Pharmacy Permit is required for a pharmacy facility that, upon the request of an originating pharmacy, fills a prescription drug order and returns the filled prescription to the originating pharmacy for delivery to the patient or patient's agent. A central fill pharmacy that returns filled prescriptions to an originating pharmacy must not be required to obtain a wholesaler/distributor permit. A Central Fill Pharmacy Permit is required in addition to a SC Non-Resident Pharmacy Permit if a pharmacy is engaging in central fill as well as dispensing.

b. To obtain a Non-Resident Central Fill Pharmacy Permit, an applicant must:

(1) Submit a written application in the form prescribed by the Board along with the appropriate application fee which is equal to the amount of a Non-Resident Pharmacy Permit application fee;

(2) present evidence that the applicant holds a pharmacy license, registration, or permit issued by the state in which the pharmacy is located;

(3) present the name of the owner, permit holder, and pharmacist-in-charge of the pharmacy for service of process;

(4) present evidence of the applicant's ability to provide to the Board a record of a prescription drug order dispensed by the applicant to a resident of this State not later than seventy-two hours after the time the Board requests the record;

(5) present an affidavit by the pharmacist-in-charge which states that the pharmacist has read and understands the laws and regulations relating to central fill pharmacy in this state.

**C. Non-Resident Non-Dispensing Pharmacy Permit**

1. To obtain a Non-Resident Non-Dispensing Pharmacy Permit, an applicant located outside of South Carolina must:

a. submit a written application in the form prescribed by the Board along with the appropriate application fee;

b. submit a copy of all reports resulting from operational inspections conducted within the last two years, as well as photographs of the exterior and working area of the facility; and

c. attend a hearing before the Board, or its duly-authorized committee, in which a pharmacist or other individual knowledgeable about all aspects of the applicant's operations must answer questions regarding the applicant's operations. This appearance shall be in lieu of an in-person inspection of the applicant's facility and is designed to provide the Board with information that would typically be obtained during an in-person inspection.

**D. Outsourcing Facility (503B) Permit**

1. An Outsourcing Facility Permit is required for a facility engaged in the compounding of sterile drugs which has elected to register with the U.S. Food and Drug Administration as a 503B outsourcing facility. To obtain a permit as an outsourcing facility, a facility must hold, or concurrently apply for, a South Carolina Pharmacy or Wholesale Distributor Permit, whether or not the facility is located in South Carolina.

a. "Outsourcing Facility" means a facility at one geographic location or address that:

(1) is engaged in the compounding of sterile drugs;

(2) is registered as an Outsourcing Facility with the FDA; and

(3) complies with all of the requirements of Section 503B of the Federal FD&C Act.

2. To obtain a Resident Outsourcing Facility Permit, an applicant located in South Carolina must:

a. submit a written application in the form prescribed by the Board along with the appropriate application fee;

b. undergo an inspection by the Board in which the applicant demonstrates that it is in compliance with the applicable provisions of the Practice Act;

3. To obtain a Non-Resident Outsourcing Facility Permit, an applicant located outside of South Carolina must:

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a. submit a written application in the form prescribed by the Board along with the appropriate application fee. The following information must be submitted with the application:

(1) a copy of the resident state pharmacy permit and DEA registration (if applicable) and a list of all additional state permits and controlled substance registrations (if applicable);

(2) a copy of the facility's most recent FDA inspection report, including any 483s issued and the applicant's response thereto;

(3) a copy of all reports from operational inspections conducted within the last two years; and

(4) a copy of the policy and procedures for shipping refrigerated products and monitoring the temperature and humidity; and

b. attend a hearing before the Board or its duty-authorized committee in which a pharmacist or other individual knowledgeable about all aspects of the applicant's operations must answer questions regarding the applicant's operations. This appearance shall be in lieu of an in-person inspection of the applicant's facility and is designed to provide the Board with information that would typically be obtained during an in-person inspection.

### E. Medical Gas/Legend Device Permit

1. A Medical Gas/Legend Device Permit is required for a facility to dispense medical gases and/or legend devices to a patient or a patient's agent on the order of a licensed practitioner.

2. To obtain a Resident Medical Gas/Legend Device Permit, an applicant located in South Carolina must:

a. submit a written application in the form prescribed by the Board along with the appropriate application fee; and

b. undergo an inspection by the Board in which the applicant demonstrates that it is in compliance with the applicable provisions of the Practice Act.

3. To obtain a Non-Resident Medical Gas/Legend Device Permit, an applicant located outside of South Carolina must submit:

a. a written application in the form prescribed by the Board along with the appropriate application fee;

b. a copy of the applicant's resident state pharmacy permit and a list of all additional state permits (if applicable); and

c. a copy of all reports from operational inspections conducted within the last two years (if applicable).

### F. Non-Dispensing Drug Outlet

1. A Non-Dispensing Drug Outlet Permit is required for a facility to store and/or administer legend drugs and/or devices. Facilities requiring a Non-Dispensing Drug Outlet Permit include, but are not limited to, public or private health clinics, infirmaries, correctional institutions, industrial health clinics, and emergency medical service providers. A Non-Dispensing Drug Outlet Permit requires a consultant pharmacist, unless the facility is engaged in manufacturing, wholesaling or distributing.

2. To obtain a Non-Dispensing Drug Outlet Permit, an applicant must:

- a. submit a written application in the form prescribed by the Board along with the appropriate application fee;
- b. undergo an inspection by the Board in which the applicant demonstrates that it is in compliance with the applicable provisions of the Practice Act.

#### G. Wholesale Distributor Permit

1. A Wholesale Distributor Permit is required for a facility to engage in the wholesale distribution of prescription drugs and/or devices to permitted facilities and licensed practitioners. Entities requiring a Wholesale Distributor Permit include, but are not limited to: repackagers; own-label distributors; private-label distributors; jobbers; brokers; warehouses including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies that conduct wholesale distributions. A Wholesale Distributor Permit is required for virtual wholesale distributors defined as a business entity that arranges for the distribution of a drug or device, with or without taking actual possession of the drug or device, and contracts with others for the distribution, purchase and sale.

2. To obtain a Resident Wholesale Distributor Permit, an applicant located in South Carolina must:

- a. submit a written application in the form prescribed by the Board along with the appropriate application fee;
- b. undergo an inspection by the Board in which the applicant demonstrates that it is in compliance with the applicable provision of the Practice Act and any federal requirements, including but not limited to the Drug Supply Chain Security Act (DSCSA).

3. To obtain a Non-Resident Wholesale Distributor Permit, an applicant located outside of South Carolina must:

a. submit a written application in the form prescribed by the Board along with the appropriate application fee. The following information must be submitted with the application:

(1) a copy of the resident state permit and DEA registration (if applicable) and a list of all additional state permits and controlled substance registrations (if applicable);

(2) a copy of the facility's most recent FDA inspection report, including any 483s issued and applicant's response(s) thereto;

(3) a copy of all reports from operational inspections conducted within the last two years;

(4) a copy of the policy and procedures for shipping refrigerated products and monitoring the temperature and humidity;

(5) a copy of the NABP's Drug Distributor Accreditation (if applicable) or a notarized statement certifying that the applicant meets the standards necessary to obtain this accreditation; and

(6) produce to the Board policies and procedures establishing that the facility meets all current Drug Supply Chain Security Act (DSCSA) standards.

b. attend a hearing before the Board or its duly-authorized committee in which an individual knowledgeable about all aspects of the applicant's operations must respond to operational questions. This appearance shall be in lieu of an in-person inspection of the applicant's facility and is designed to provide the Board with information that would typically be obtained during an in-person inspection.

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### H. Manufacturer/Repackager

1. A Manufacturer/Repackager Permit is required for a facility to engage in the manufacturing of prescription drugs or devices, including any packaging or repackaging of the drugs and/or devices, and/or labeling or re-labeling of containers. A Manufacturer/Repackager Permit is required for Virtual Manufacturers or any company that sells their own prescription drug products and/or medical devices but outsources the manufacturing and distribution operations.

2. To obtain a Resident Manufacturer/Repackager Permit, an applicant located in South Carolina must:

a. submit a written application in the form prescribed by the Board along with the appropriate application fee; and

b. undergo an inspection by the Board in which the applicant demonstrates that it is in compliance with the applicable provisions of the Practice Act.

3. To obtain a Non-Resident Manufacturer/Repackager, an applicant must:

a. submit a written application in the form prescribed by the Board along with the appropriate application fee. The following information must be submitted with the application:

(1) a copy of the resident state pharmacy permit and DEA registration (if applicable) and a list of all additional state permits and controlled substance registrations (if applicable);

(2) a copy of the facility's most recent FDA inspection report, including any 483s issued and the applicant's response(s) thereto;

(3) a copy of all reports from operational inspections conducted within the last two years;

(4) a copy of the policy and procedures for shipping refrigerated products and monitoring temperature and humidity;

(5) produce to the Board policies and procedures establishing that the facility meets all current Drug Supply Chain Security Act (DSCSA) standards;

b. attend a hearing before the Board or its duly-authorized committee in which a pharmacist or other individual knowledgeable about all aspects of the applicant's operations must answer questions regarding the applicant's operations. This appearance shall be in lieu of an in-person inspection of the applicant's facility and is designed to provide the Board with information that would typically be obtained during an in-person inspection.

### I. Federally Qualified Health Center ("FQHC") Drug Outlet Permit

1. A Federally Qualified Health Center ("FQHC") Drug Outlet Permit is required for an FQHC delivery site to store, administer, and/or distribute patient-specific, labeled drugs and/or devices received from a permitted FQHC pharmacy or contracted pharmacy.

2. A FQHC Drug Outlet Permit is required for an FQHC delivery site to store and/or administer any legend drug or device.

3. To obtain a Federally Qualified Health Center ("FQHC") Drug Outlet permit, an applicant must:

- a. submit a written application in the form prescribed by the Board along with the appropriate application fee; and
- b. undergo an inspection by the Board in which the applicant demonstrates that it is in compliance with the applicable provisions of the Practice Act.

**J. Third-Party Logistics (“3PL”) Provider**

1. A Third-Party Logistics Provider Permit is required for a facility to provide or otherwise coordinate warehousing, or other logistics services, of drugs and/or devices in interstate commerce on behalf of a manufacturer, wholesale distributor or dispenser of drugs and/or devices. A 3PL Provider does not take ownership of the drugs and/or devices and is not responsible for the sale and/or distribution of the drugs and/or devices to permitted facilities and/or licensed practitioners.

a. “Third-Party Logistics Provider” means an entity that:

(1) provides or coordinates warehousing, Distribution or other services on behalf of a Manufacturer, but does not take title to the Prescription Drug or have general responsibility to direct the Prescription Drug’s sale or disposition; and

(2) is licensed as a Third-Party Logistics Provider.

2. To obtain a Resident Third-Party Logistics Provider permit, an applicant located in South Carolina must:

- a. submit a written application in the form prescribed by the Board along with the appropriate application fee;
- b. undergo an inspection by the Board in which the applicant demonstrates that it is in compliance with the applicable provisions of the Practice Act.

3. To obtain a Non-Resident Third-Party Logistics Provider permit, an applicant must:

a. submit a written application in the form prescribed by the Board along with the appropriate application fee. The following information must be submitted with the application:

(1) a copy of the resident state permit and DEA registration (if applicable) and a list of all additional state permits and controlled substance registrations (if applicable) and

(2) a copy of all reports from operational inspections conducted within the last two years; and

b. attend a hearing before the Board or its duly-authorized committee in which a pharmacist or other individual knowledgeable about all aspects of the applicant’s operations must answer questions regarding the applicant’s operations. This appearance shall be in lieu of an in-person inspection of the applicant’s facility and is designed to provide the Board with information that would typically be obtained during an in-person inspection.

**K. Hospital-Owned Health System – Non-Dispensing Drug Outlet Permit**

1. A Hospital-Owned Health System is defined as facilities within a health system where the sites are owned by a hospital and associated with a Hospital Pharmacy Permit in good standing with the SC Board of Pharmacy.



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2. A Hospital-Owned Health System is not required to obtain separate Non-Dispensing Drug Outlet Permits for additional facilities within the health system which store and/or administer legend drugs and/or devices provided it complies with all the requirements set forth in this subsection.

3. The Pharmacist-in-Charge of the hospital pharmacy permit will be responsible for all facilities associated with the hospital pharmacy permit.

4. To obtain a Non-Dispensing Drug Outlet Permit containing multiple facilities with a Hospital-Owned Health System, an applicant must:

a. Submit a written application on the form prescribed by the Board along with the appropriate application fee;

b. Provide a list of each facility covered by the Hospital Non-Dispensing Drug Outlet Permit;

c. Undergo an inspection by the Board in which the applicant demonstrates compliance with the applicable provisions of the Act.

5. Prior to the addition of any facilities to the permit, the SC Board of Pharmacy must be notified in writing in a manner prescribed by the Board.

6. Upon inspection of the permitted site, the Pharmacist-in-Charge must present monthly inspections from all facilities covered by the permit.

L. All non-resident facilities required by statute or regulation to be permitted must be operational and must have undergone a successful operational inspection before a permit may be issued by the Board.

### **Fiscal Impact Statement:**

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

### **Statement of Rationale:**

The updated regulations will correct a scrivener's error. Specifically, Section 99-43(D)(1) currently references a "Manufacturer Permit", and it should reference a "Wholesale Distributor Permit."

Document No. 5300  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**COMMISSIONERS OF PILOTAGE**

**CHAPTER 136**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 54-15-10, and 54-15-140

136-012. Apprentice Selection Process.

136-013. Pilot and Apprentice Age Limitations.

136-015. Previous Maritime Experience, Apprentice Applicants.

136-060. Marine Casualties, Accidents and Other Reports.

136-061. Reports of Coast Guard Investigations.

136-075. Pilotage Areas.

### **Synopsis:**

The Commissioners of Pilotage for the Lower Coastal area propose to amend the following sections of the Code of Regulations: R.136-012, R.136-013, R.136-015, R.136-060, R.136-061, and R.136-075.

The Notice of Drafting was published in the State Register on July 26, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

ARTICLE 1

LOWER COASTAL AREA

136-012. Apprentice Selection Process.

A. Applicants for apprenticeship shall submit applications to the Commissioners on application forms provided by the Commissioners. A non-refundable application fee shall be submitted with each application.

B. Upon a determination of eligibility by the Commissioners, copies of the complete applications of eligible applicants will be forwarded to the pilots.

C. At such times as vacancies may be forecast or occur within the register of pilots, the Commissioners shall certificate from among the eligible applicants the best qualified individual or individuals for apprenticeship. Selection shall be in accordance with selection criteria procedures, based upon numerical ranking, promulgated by the Commissioners. No agency shall require the selection of more apprentices than needed to fill projected vacancies.

D. Numerical ranking shall be based upon a 100 point system, with 25 points for each of the following categories:

(1) Academic.

(a) Each High School Graduate shall receive 5 points.

(b) In addition, each applicant's cumulative grade point average, on a 4.0 scale or adjusted as such, for an accredited four-year program culminating in a baccalaureate degree, shall be multiplied by a factor of 5, or for an accredited two-year associate degree or equivalent, multiplied by a factor of 2.5. In the case of a person with both types of degrees, only the four-year degree will be scored.

(c) An applicant earning one or more accredited masters or other post-graduate degrees from a physical university may be awarded a total of two additional points.

(d) The total academic score may not exceed 25 points.

(2) Previous maritime experience. The Commissioners shall award points to applicants pursuant to subpart 136-015.

(3) Interview. Every applicant shall be interviewed by the Commissioners. Each person interviewed shall be assigned from 0 to 25 points based upon objective scoring guidelines published by the Commissioners.

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(4) Pilot potential. The Commissioners shall forward the application files of every eligible applicant to the pilots who shall consider the documentary evidence submitted with the application, any letters of recommendation received, and other information in the applicant's file. The pilots shall assign from 0 to 25 points to those applicants whose applications indicate that they have the greatest potential and who they believe are the best qualified to become pilots and future business partners, in accordance with the criteria contained in the Policies and Procedures Manual.

E. The names and rankings of the applicant(s) recommended by the pilots for certification as apprentice pilots will be submitted to the Commissioners along with the names and rankings of the next five highest-ranked applicants not recommended.

F. The Commissioners may approve the name(s) recommended by the pilots or they may return the name(s) for reconsideration.

G. The Commissioners shall award a Certificate of Apprenticeship to every apprentice they have approved. Said certificate shall terminate upon satisfactory completion of the apprentice training program or upon the termination of the apprentice for cause or resignation.

### 136-013. Pilot and Apprentice Age Limitations.

A. The required physical rigors and necessary stamina render service as a pilot in the Lower Coastal Area to be such that no pilot seventy years or older will be registered.

B. The experience necessary to build and maintain optimal proficiency as a pilot, through apprenticeship, short branch licensure, and as a Full Branch Pilot, occurs and progresses continually. It is in the best interest of pilotage that such proficiency is developed and cultivated to allow for a well-experienced group of pilots to each serve for a substantial career. Therefore, an applicant who has reached their 34<sup>th</sup> birthday will be ineligible for review by the Commissioners in determining appointments to apprenticeships.

### 136-015. Previous Maritime Experience, Apprentice Applicants.

A. The Commission shall ensure that eligible applicants for apprenticeship be assured that any previous maritime experience is considered in the selection process.

B. The Commissioners shall assign up to 25 points to any applicant who has demonstrated previous maritime knowledge or experience. Consideration will be given to the following federal license and experience factors:

#### KIND OF MARINE EXPERIENCE DOCUMENTED POINTS

1. Master, oceans, any gross tons 21
2. Chief Mate, oceans, any gross tons 19
3. Second Mate oceans, any gross tons 17
4. Third Mate, oceans, any gross tons 15
5. Master, near coastal less than 100 GT 10
6. Operator, uninspected towing vessel or Inland Master 10
7. Federal first class pilot license or endorsement 1

## 8. Motorboat operator license 5

## 9. Small craft and sailing experience

(a) Collegiate sailing team member, years on team 1 to 4

(b) Local sailing and offshore regatta crew 1 to 5

(c) Small craft operation in Charleston Harbor and 5 approaches, 1 point per year, but experience must equal or exceed 100 days per year, up to a maximum of (Note: The points awarded for small craft experience cannot total more than five points.) Points awarded to the above factors 1 through 9 may be accumulated to a maximum of 25.

10. Points for licenses issued by the Coast Guard not listed above, will be interpreted by the Commissioners based on Coast Guard requirements for experience, service and testing consistent with the above licenses. Lists of other licenses and their assigned scores will be included in the Commissioners Policy and Procedures Manual.

## 136-060. Marine Casualties, Accidents and Other Reports.

A. Marine Casualties are defined in 46 CFR 4. These are required to be reported to the Coast Guard by the owners, operators, masters or agents of vessels so involved. This requirement affects all U.S. commercial vessels and every foreign flag vessel on U.S. waters.

B. Hazardous conditions are defined in 33 CFR 160.203 and must be reported to the Coast Guard.

C. Navigation safety regulations are prescribed in 33 CFR 164 to protect the Port.

D. Every pilot must immediately report, or cause to be reported, every marine casualty as defined and specified for reporting in 46 C.F.R. 4 to the Coast Guard, and for those casualties defined as “serious marine incidents” according to 46 C.F.R. 4.03, to the Commissioners of Pilotage for the Lower Coastal Area. Hazardous conditions and violations of a navigation safety regulation shall be reported to the Coast Guard and to the Commissioners of Pilotage for the Lower Coastal Area as warranted for timely required or appropriate action. Marine casualties as defined in 46 C.F.R. 4 occurring since the previous meeting of the Commissioners and not yet reported, shall be reported to the Commissioners at the next scheduled meeting of the Commissioners.

## 136-061. Reports of Coast Guard Investigations.

A. The Commissioners shall request copies of all Coast Guard investigations pertaining to accidents, marine casualties, complaints, and disciplinary actions including suspension and revocation proceedings and civil penalty actions which occurred within their area of jurisdiction when involving vessels under pilotage or involving the actions of a pilot licensed by the Commissioners.

B. The Commissioners shall establish procedures to take appropriate action whenever a state pilot has been subjected to a Coast Guard finding of misconduct, negligence, physical or mental incompetence, or violation of federal law or regulation.

## 136-075. Pilotage Areas.

A. The Federal Boundary lines defined in 46 CFR 7.65, 46 CFR 7.70 and 46 CFR 7.75 describe the areas of the coastal waters along the coast of South Carolina that delineate the application of federal vessel manning and licensure requirements. State pilotage laws and regulations shall extend at least to the Boundary Lines established in Federal Regulation.

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B. The Commissioners of Pilotage for the Lower Coastal Area shall extend the applicability of pilotage laws, regulations, and policy seaward of the federal Boundary Lines whenever necessary to:

(1) Assure that every foreign flag vessel or US vessel under register, while transiting offshore waters that otherwise may present the risk of grounding in the process of calling at every South Carolina port, is conducted and piloted by a pilot licensed by the Commissioners of Pilotage for the Lower Coastal Area.

(2) Assure that every foreign flag vessel or US vessel under register calling at offshore moorings located within offshore waters under the jurisdiction of the State of South Carolina is conducted and piloted by a pilot licensed by the Commissioners of Pilotage for the Lower Coastal Area.

C. The pilot station for the pilot vessels cruising off shore shall be in the approximate vicinity of the designated sea buoy or on the waters of the Atlantic Ocean, or up to two nautical miles seaward of the area where piloted vessels are restricted by draft and safe underkeel clearances, whichever is greater.

### **Fiscal Impact Statement:**

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

### **Statement of Rationale:**

The updated regulations, Regulations 136-012, 136-015, 136-060, 136-061, and 136-075, will revise the apprentice selection process, revise the process to obtain Coast Guard investigations and report Coast Guard incidents to the Commissioners, clarify references to Federal jurisdictional boundaries as they relate to pilotage waters, and clarify pilotage waters for unmarked or minimally marked inlets.

Document No. 5340

## **DEPARTMENT OF LABOR, LICENSING AND REGULATION SOUTH CAROLINA REAL ESTATE APPRAISERS BOARD**

### **CHAPTER 137**

Statutory Authority: 1976 Code Sections 40-1-70, 40-60-10(I), and 40-60-38

- 137-100. Definitions.
- 137-100.02. Qualifications.
- 137-100.03. Appraisal Categories.
- 137-100.04. Residential Experience Hours.
- 137-100.05. Nonresidential Experience Hours.
- 137-100.06. Co-Appraiser Experience.
- 137-100.07. Other Appraisal Experience.
- 137-200.02. Residential Mass Appraisals.
- 137-200.03. Nonresidential Mass Appraisals.
- 137-200.04. Mass Appraisal Experience Verification.
- 137-300.01. Responsibilities of an Apprentice Appraiser.
- 137-300.02. Responsibilities of a Supervising Appraiser.
- 137-500.01. Continuing Education.
- 137-600.01. Member Request for Investigation.
- 137-600.03. Disciplinary Actions for Appraisers, Providers and Instructors.
- 137-600.05. Disciplinary Action for Appraisal Management Companies.
- 137-800.02. Bad Checks.
- 137-800.04. Permit, License, Certification and Registration Renewals.
- 137-800.05. Expired Permit, License, Certificate, or Registration.
- 137-800.06. Disclosure of Appraiser Classification and Number.

- 137-900.01. Educational Providers – Approval Required.
- 137-900.02. Exemption from Regulation.
- 137-900.03. Providers of Courses.
- 137-900.04. Application for Provider Approval.
- 137-900.05. Curriculum and Attendance.
- 137-900.06. Provider, Instructor and Course Renewals.
- 137-900.07. Enrollment Agreement Policies and Procedures.
- 137-900.08. Other Operating Procedures.
- 137-900.09. Instructors.

**Synopsis:**

The South Carolina Real Estate Appraisers Board proposes to amend Chapter 137 to conform to H.3278, passed in 2024 and to make various other changes.

The Notice of Drafting was published in the *State Register* on May 24, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

137-100. Definitions.

(1) “Appraisal Foundation” means the Appraisal Foundation established November 30, 1987, as a not-for-profit corporation under the laws of Illinois containing the Appraisal Standards Board (ASB), Appraiser Qualifications Board (AQB), a board of trustees, and other advisory bodies.

(2) “Asynchronous” means communication that does not take place at the same time. It is characterized by as needed, intermittent communication.

(3) “Board” means the South Carolina Real Estate Appraisers Board established pursuant to the provisions of the South Carolina Real Estate Appraisers License and Certification Act.

(4) “Co-Appraiser” refers to appraisals in which more than one appraiser works as a team. Applicants must have performed at least fifty (50%) percent of the work on an appraisal.

(5) “Desk Review” refers to the review of an appraisal performed by another person (including a person under the applicant’s supervision) but does not include a physical inspection of the subject property.

(6) “Direct Supervision” means personally reviewing an appraisal report prepared by an apprentice and signing and certifying the report as being independently and impartially prepared and in compliance with the Uniform Standards of Professional Appraisal Practice, these regulations and applicable statutory requirements.

(7) “Distance Education” means the process of delivering instruction when the instructors and the students are separated by distance.

(8) “Field Review” refers to the review of an appraisal performed by another person who has conducted a physical inspection of the property, as well as verified the data and checked the calculations contained in the appraisal under review.

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(9) “Lister” refers to duties individuals perform in mass appraisals that are typically limited to the location of real property, measurement of improvements relative to such things as number of bedrooms and bathrooms, siding, decks, or other miscellaneous information.

(10) “Sole Appraiser” refers to appraisals that are completed by only one person.

(11) “Standards of Professional Appraisal Practice” or “USPAP” means the National Uniform Standards of Professional Appraisal Practice as adopted by the Appraisal Standards Board (ASB) of the Appraisal Foundation and adopted by the Board.

(12) “Synchronous” means communication in which the interaction is simultaneous. It is characterized by live two-way communication.

137-100.01. Repealed.

137-100.02. Qualifications.

(A) Applicants desiring to be an apprentice appraiser, a licensed appraiser or a certified appraiser shall satisfy the standards and requirements set forth in the Real Property Appraiser Qualification Criteria as implemented by the Appraisal Foundation’s Appraiser Qualifications Board (AQB) and the Appraisal Standards Board (ASB) as endorsed by the Appraisal Subcommittee pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, which is hereby incorporated by reference, including subsequent amendments and editions, and can be found at [www.appraisalfoundation.org](http://www.appraisalfoundation.org).

(B) In addition to the requirements of Section 40-60-31 and Section 40-60-33, apprentice appraiser applicants shall meet the following qualifications:

(1) Effective January 1, 2026, eighty-three (83) hours of Core Curriculum prescribed by the AQB in qualifying education covering thirty (30) hours in Basic Appraisal Principles, thirty (30) hours in Basic Appraisal Procedures, fifteen (15) hours in National Uniform Standards of Professional Appraisal Practice or its equivalent as determined by the AQB, and eight (8) hours in Valuation Bias and Fair Housing Laws and Regulations.

(C) In addition to the requirements of Section 40-60-33(2), applicants for a licensed real estate appraiser and licensed mass appraiser shall meet the following qualifications:

(1) Effective January 1, 2026, must have one hundred fifty-eight (158) hours of Core Curriculum prescribed by the AQB in qualifying education, fifteen (15) hours in Market Analysis and Highest and Best Use, fifteen (15) hours in Appraiser Site Valuation and Cost Approach, thirty (30) hours in Sales Comparison and Income Approaches, and fifteen (15) hours in Report Writing and Case Studies.

(2) Obtained a minimum of one thousand (1,000) hours of appraisal experience in appraising either residential or nonresidential properties. Mass appraiser’s experience may be one hundred (100%) percent ad valorem tax appraisal. The maximum number of hours which an applicant can earn in review (field, documentary, or desk) appraisal experience is limited to five hundred (500) hours. Qualifying experience must be obtained and documented after January 1, 1992, be in appraisal work conforming to USPAP Standards where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), reporting conclusions, sufficient to demonstrate competency in all USPAP Standards; and

(3) Have at least six (6) months of real estate appraisal experience commencing as of the date that the first assignment is completed after the initial license is issued; or

(4) Complete an AQB Practical Applications of Real Estate Appraisal (PAREA) program or State Practicum program as approved by the Board, along with the required Core Curriculum; and

(5) Successfully pass an approved AQB exam. An applicant not licensed within two years after passing the examination must retake the examination.

(D) In addition to Section 40-60-33(3), a certified residential real estate appraiser or certified residential mass appraiser shall meet the following qualifications:

(1) Effective January 1, 2026, two hundred (200) hours of Core Curriculum prescribed by the AQB in qualifying education, fifteen (15) hours in Statistics, Modeling, and Finance, fifteen (15) hours in Advanced Applications and Case Studies, and twelve (12) hours in appraisal subject matter electives;

(2) Certified Residential real estate appraiser credentialed as a Licensed Appraiser for a minimum of five (5) years and have no record of any disciplinary action affecting the Licensed Appraiser's legal eligibility to engage in appraisal practice within the previous five (5) years, or

(3) Certified Residential real estate appraiser must hold a Bachelor's degree or higher, or

(4) Certified Residential real estate appraiser must hold an Associate's degree in a field of study related to Business Administration, Accounting, Finance, Economics or Real Estate from an accredited college, community college, or university. In lieu of the degree requirement, an applicant for the certified residential appraiser credential shall successfully complete thirty (30) semester hours of college-level education from an accredited college, junior college, community college or university in the following topic areas:

English Composition (3 hours)

Microeconomics (3 hours)

Macroeconomics (3 hours)

Finance (3 hours)

Algebra, Geometry or Higher Math (3 hours)

Statistics (3 hours)

Computer Science (3 hours)

Business or Real Estate Law (3 hours)

Two elective courses in any of the above topics, or in Accounting, Geography, Agricultural Economics, Business Management or Real Estate (3 hours each)

The college or university must be a degree-granting institution accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. If an accredited college or university accepts the College-Level Examination Program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

(5) Obtained a minimum of one thousand five hundred (1,500) hours of appraisal experience in appraising either residential or nonresidential properties. Mass appraiser's experience may be one hundred (100%) percent ad valorem tax appraisal. The maximum number of hours which an applicant can earn in review (field, documentary, or desk) appraisal experience is limited to seven hundred fifty (750) hours. Qualifying experience must be obtained and documented after January 1, 1992, be in appraisal work conforming to USPAP Standards



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where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), reporting conclusions, and be of a variety sufficient to demonstrate competency in all USPAP Standards;

(6) Have at least twelve (12) months of real estate appraisal experience commencing as of the date that the first assignment is completed after the initial license is issued; or

(7) complete an AQB Practical Applications of Real Estate Appraisal (PAREA) program or State Practicum program as approved by the Board, along with the required Core Curriculum; and

(8) Successfully pass an AQB approved exam. An applicant not certified within two years after passing the examination must retake the examination.

(E) In addition to the requirements of Section 40-60-33(4), applications for a certified general real estate appraiser or certified general mass appraiser shall meet the following qualifications:

(1) Effective January 1, 2026, three hundred (300) hours of Core Curriculum prescribed by the AQB in qualifying education consisting of eighty-three (83) hours as required for the Apprentice Appraiser credential, fifteen (15) hours in Statistics, Modeling, and Finance, thirty (30) hours in General Appraiser Market Analysis and Highest and Best Use, thirty (30) hours in General Appraiser Sales Comparison Approach, at least thirty (30) hours in General Appraiser Site Valuation and Cost Approach, sixty (60) hours in General Appraiser Income Approach, thirty (30) hours in General Appraiser Report Writing and Case Studies, and twenty-two (22) hours in appraisal subject matter electives. An applicant may use the general appraiser qualifying courses to apply for upgrade to Licensed or Certified Residential in lieu of the residential appraiser qualifying courses;

(2) Certified General real estate appraiser must hold a Bachelor's degree or higher from an accredited college or university;

(3) Obtained a minimum of three thousand (3,000) hours of appraisal experience, fifty (50%) percent of which must come from appraising nonresidential properties. Mass appraiser's experience may be one hundred (100%) percent ad valorem tax appraisal. The maximum number of hours which an applicant can earn in review (field, documentary, or desk) appraisal experience is limited to one thousand five hundred (1,500) hours. Qualifying experience must be obtained and documented after January 1, 1992, be in appraisal work conforming to USPAP Standards where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), reporting conclusions, sufficient to demonstrate competency in all USPAP requirements;

(4) Have at least eighteen (18) months of real estate appraisal experience commencing as of the date that the first assignment is completed after the initial license is issued; and

(5) Successfully pass an approved AQB exam. An applicant not certified within two years after passing the examination.

(F) Courses taken in satisfying the qualifying education requirements should not be repetitive in nature. Each course credited toward the required number of qualifying education hours should represent a progression in which the appraiser's knowledge is increased.

(G) Certified residential mass appraisers and certified general mass appraisers do not have to meet college requirements stated in 137-100.02(D) or (E).

(H) The Board may waive the examination requirements for those applicants who are currently licensed or certified in another state upon proof that the applicant has successfully passed an AQB approved exam which served as a requirement for licensure or certification in the state where he is currently licensed or certified.

## 137-100.03. Appraisal Categories.

The following categories pertain to various forms of appraiser involvement and the percentage which may be awarded by the Board when evaluating appraisal experience:

|     | Category         | Percentages Assigned |
|-----|------------------|----------------------|
| (A) | Sole Appraiser - | 100%                 |
| (B) | Co-Appraiser -   | 75%                  |
| (C) | Field Review -   | 50%                  |
| (D) | Desk Review -    | 25%                  |

To qualify for experience credit for a desk or field review, an applicant must have thoroughly and critically reviewed all portions of the appraisal report and recommended the acceptance, revision, or rejection of the appraisal under review.

## 137-100.04. Residential Experience Hours.

Applicants for license reclassification must use the Board-approved experience log to report appraisal experience. Acceptable experience hours will be reviewed as part of the reclassification application concerning property types when evaluating residential appraisal experience:

|    | Type of Appraisal   | Sole Appraiser Hours Assigned                        | Co-Appraiser Hours Assigned |
|----|---|--|-----------------------------|
| 1. | Appraisal of Single-Family (one unit dwelling)                                    | 8  | 6                           |
| 2. | Appraisal of Multi-Family (two-four units)  | 16   | 12                          |
| 3. | Appraisal of Vacant Residential Lot   | 6  | 4.5                         |
| 4. | Appraisal of Rural Residential Land (10-50 acres)                                 | 16   | 12                          |
| 5. | All other residential properties, larger or more complex than typical properties. | Hours to be determined by the Board upon submission. |                             |

## 137-100.05. Nonresidential Experience Hours.

The following hours may be awarded by the Board concerning property types when evaluating nonresidential appraisal experience:

|    | Type of Appraisal   | Sole Appraiser Hours Assigned | Co-Appraiser Hours Assigned |
|----|---|-------------------------------|-----------------------------|
| A. | Vacant Land:<br>(Undeveloped nonresidential tracts, residential multifamily sites, commercial sites, industrial sites, lands in transition, etc.) | 20                            | 15                          |
| B. | Rural/Agricultural:<br>(51 to 250 acres)<br>(more than 250 acres)   | 20<br>32                      | 15<br>24                    |
| C. | Residential Multi-Family (5-12 units):  | 40                            | 30                          |

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|    |   |  |    |
|----|---|--|----|
| D. | Residential Multi-Family (13 units or more):  | 56   | 42 |
|    | (apartments, condominiums, townhouses, mobile home parks, etc.)                           |  |    |
|    | (Apartments, condominiums, townhouses, mobile home parks, etc.)                           |  |    |
|    |   |  |    |
| E. | Commercial Single-Tenant:   | 40   | 30 |
|    | (Office building, retail store, restaurant, service station, bank, day-care center, etc.) |  |    |
|    |   |  |    |
| F. | Commercial Multi-Tenant:  | 64   | 48 |
|    | (Office building, shopping center, hotel/motel, etc.)                                     |  |    |
|    |   |  |    |
| G. | Industrial:   |  |    |
|    | (Warehouse, manufacturing plant, etc.)  |  |    |
|    | Under 20,000 square feet  | 40   | 30 |
|    | 20,000 square feet or more  | 72   | 54 |
|    |   |  |    |
| H. | Institutional:  | 72   | 54 |
|    | (Nursing home, hospital, school, church, government building, etc.)                       |  |    |
|    |   |  |    |
| I. | Specialized or more complex properties  | Hours to be determined by Board upon submission. |    |

137-100.06. Repealed.

137-100.07. Other Appraisal Experience.

(A) Applicants may receive credit for appraisals of other types of real property not listed in these Regulations. On an individual basis, the Board may determine the amount of credit to be awarded for such appraisals based on information provided to the Board by the applicant.

(B) Experience credit may be awarded for mass appraisal activity provided such activity is in compliance with the standards set forth in the USPAP Standards. The maximum number of experience hours a non-mass applicant will be awarded for mass appraisal activity is fifty percent (50%).

(C) Mass appraisal experience will not be awarded for activity performed by individuals commonly referred to as “listers.”

137-200.01. Mass Appraisal Activity.

(A) Appraisal experience may be obtained through mass appraisal activity when applicants can demonstrate that, after receiving information supplied by the lister, the person claiming mass appraisal experience credit inspected the subject property, determined the quality or classification of the property, estimated the depreciation of the improvements, determined the land or lot value based on market sales of comparable properties adjusted to the subject property, and reviewed the estimated value of the property against comparable sales in order to ensure the value estimate approximated market value.

(B) Ad valorem appraisal experience may be obtained through individual property appraisals utilizing the entire appraisal process.

137-200.02. Residential Mass Appraisals.

The following categories pertain to various forms of appraiser involvement and the hourly values which may be awarded by the Board when evaluating residential mass appraisal experience:

| Type of Appraisal         |        | Sole Appraiser Hours Assigned | Co-Appraiser Hours Assigned |
|---------------------------|--------|-------------------------------|-----------------------------|
| 1. Single-Family          | New    | 2                             | 1                           |
| (one-unit dwelling)       | Update | 1                             | .50                         |
| 2. Multi-Family           | New    | 2                             | 1                           |
| (two-four units)          | Update | 1                             | .50                         |
| 3. Residential Lots       | New    | 2                             | 1                           |
| (4 lots or less)          | Update | 1                             | .50                         |
| 4. Rural Residential Land | New    | 2                             | 1                           |
| (50 acres or less)        | Update | 1                             | .50                         |

137-200.03. Nonresidential Mass Appraisals.

The following categories pertain to various forms of appraiser involvement and the hourly values which may be awarded by the Board when evaluating nonresidential mass appraisal experience:

| Type of Appraisal              |        | Sole Appraiser Hours Assigned | Co-Appraiser Hours Assigned |
|--------------------------------|--------|-------------------------------|-----------------------------|
| 1. Vacant Land                 | New    | 2                             | 1                           |
|                                | Update | 1                             | .50                         |
| 2. Rural Agricultural          | New    | 2                             | 1                           |
| (51 acres to 250 acres)        | Update | 1                             | .50                         |
| 3. Rural Agricultural          | New    | 2                             | 1                           |
| (more than 250 acres)          | Update | 1                             | .50                         |
| 4. Multi-Family                | New    | 8                             | 4                           |
| (5-12 units)                   | Update | 4                             | 2                           |
| 5. Multi-Family                | New    | 12                            | 6                           |
| (13 or more units)             | Update | 6                             | 3                           |
| 6. Commercial                  | New    | 8                             | 4                           |
| (single tenant)                | Update | 4                             | 2                           |
| 7. Commercial                  | New    | 16                            | 8                           |
| (multi-tenant)                 | Update | 8                             | 4                           |
| 8. Industrial                  | New    | 8                             | 4                           |
| (under 20,000 square feet)     | Update | 4                             | 2                           |
| 9. Industrial                  | New    | 12                            | 6                           |
| (more than 20,000 square feet) | Update | 6                             | 3                           |
| 10. Institutional              | New    | 12                            | 6                           |
|                                | Update | 6                             |                             |

137-200.04. Mass Appraisal Experience Verification.

Applicants claiming appraisal experience shall provide an affidavit of verification of the experience claimed. Experience verification forms must be completed by the applicant's supervisor or employer.

137-300.01. Responsibilities of an Apprentice Appraiser.

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(A) In addition to the requirements of Section 40-60-34(B) and (C), the holder of an apprentice appraiser license issued by the Board must comply with the following:

(1) The apprentice shall make the log and all appraisals available at all times for inspection by the Board.

(2) When performing appraisal assignments, the apprentice shall have in his or her possession the license issued by the Board.

(3) The apprentice is eligible to take the appraisal licensing or certification examinations after completing the requisite Board-approved AQB Core Curriculum and experience required for the relevant licensed or certified appraiser classification.

### 137-300.02. Responsibilities of a Supervising Appraiser.

(A) In addition to the requirements of Section 40-60-34(D) and (E), the certified appraiser supervising an apprentice appraiser shall:

(1) Make reasonable efforts to ensure the apprentice appraiser conforms their professional conduct to the USPAP Standards and its amendments, as promulgated by the ASB.

(2) A supervising appraiser shall be responsible for conduct of an apprentice appraiser that would be a violation of USPAP if:

(a) the supervising appraiser orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(b) the supervising appraiser has direct supervisory authority over the apprentice, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

(3) Acknowledge in the appraisal certification the professional contribution of the apprentice in accordance with USPAP; and

(4) Provide the apprentice with a copy or allow access of any final appraisal document in which the apprentice participated.

(5) Jointly maintain with the apprentice appraiser an experience log as established in Section 40-60-34(B)(2) and Regulation 137-300.01(A)(3).

### 137-400.01. Deleted.

### 137-500.01. Continuing Education.

(A) Board-approved continuing education is to be reported electronically, by board-approved education providers within fourteen (14) days of course completion.

(B) All active license or certifications shall provide proof biennially of completion of continuing education requirements of Section 40-60-35 to include the most current USPAP course.

(C) Approved qualifying courses may be used to meet the continuing education requirements provided the following conditions are met:

(1) Qualifying courses must be on the Board's approved list.

(2) The level of the course must be above the appraiser's current status [e.g. a licensed appraiser may receive continuing education credit for taking a Certified Residential or Certified General Level Course].

(3) Credit will not be given for the same category course taken within a two (2) year period.

(D) Requests for credit for a continuing education course not previously approved by the Board must demonstrate the course content is substantially different from their previously complete qualifying courses. Requests for continuing education credit for non-approved courses must be made on a form approved by the Board and must be submitted along with a nonrefundable fee.

(E) Appraisers authorized to engage in real estate appraisal activity in South Carolina as a non-resident appraiser may meet the continuing education requirements by providing evidence they meet the continuing education requirements of their state of residence. Non-resident real estate appraisal requirements must meet South Carolina's minimum hour requirements and be approved by the regulatory agency in their resident state. Non-resident appraisers not actively licensed in their resident state must meet the requirements of South Carolina.

(F) Submission of false or misleading information is grounds for immediate suspension of the appraiser's authority to practice along with other possible disciplinary actions.

(G) Approved instructors may receive up to one-half of their continuing education credit for teaching continuing education courses, subject to Board approval. Credit will not be given for the same continuing education course more than once during a continuing education cycle.

#### 137-600.01. Member Request for Investigation.

If a member of the Board files a complaint or requires an investigation, such complaint or request shall serve to disqualify the member from participating in any hearing or a consent agreement regarding the matter. That member shall be prohibited from discussing the issue with other members, except as a witness or party, until after final agency action and the time for appeal has lapsed or appeal rights have been exhausted.

#### 137-600.02. [Deleted]

#### 137-600.03. Disciplinary Actions For Appraisers, Providers and Instructors.

(A) The Board may, upon its own motion, and shall, upon the written complaint of any aggrieved person, investigate the activities of an applicant or a person permitted, licensed, or certified under this chapter and may deny, suspend, revoke, or otherwise restrict a permit, license, or certification and/or impose a public or private reprimand, other discipline, and/or a fine, if the Board finds an applicant, State apprentice appraiser, licensed appraiser, or certified appraiser has violated any provision of the South Carolina Real Estate Appraisers and Appraisal Management Companies Act or these regulations.

(B) When an appraiser has previously been sanctioned by the Board or by any other state's real estate appraiser regulatory authority, the Board may consider these prior sanctions in determining the severity of a new sanction which may be imposed upon a finding that an appraiser has violated a provision of this chapter or any of the regulations of the Board. The failure of an appraiser to comply with or to obey a final order of the Board may be cause for suspension or revocation of the individual's permit, license, or certification after opportunity for a hearing.

(C) The Board may fine and publicly or privately reprimand a provider or instructor or deny, revoke, suspend or otherwise withdraw the approval of any provider or instructor upon finding that the provider or instructor:

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(1) Fails to meet the criteria for approval referenced by these Regulations or no longer meets the standards established by the Board; or

(2) Provides false or materially inaccurate information to the Board when making application for approval; or

(3) Fails to provide information requested by the Board; or

(4) Falsifies official documents or reports; or

(5) Otherwise violates or fails to satisfy the provisions of the South Carolina Real Estate Appraisers and Appraisal Management Companies Act and the regulations pertaining thereto or any other applicable professional licensing laws and regulations.

(D) Before any sanction is imposed upon a provider or instructor, the provider or instructor shall be entitled to a hearing. The hearing must be at a time and place designated by the Board and in accordance with the provisions of the applicable statutes and the Administrative Procedures Act.

137-600.04. Deleted by State Register Volume 38, Issue No. 6, Doc. No. 4426, eff June 27, 2014.

137-600.05. Disciplinary Action for Appraisal Management Companies.

The Board may, upon its own motion, and shall, upon the written complaint of any aggrieved person, investigate the activities of a company registered under this chapter and regulations and may deny, suspend, revoke, or otherwise restrict a registration and/or impose a public or private reprimand, other discipline, and/or fine and may require payment of investigative costs.

137-700.01. [Deleted]

137-700.02. [Deleted]

137-700.03. [Deleted]

137-800.01. Deleted.

137-800.02. Bad Checks.

Checks issued by an applicant or an appraiser which are returned for insufficient funds or not honored for any cause are considered prima facie evidence of untrustworthiness or incompetency in such a manner as to endanger the interest of the public and may subject the applicant, appraiser, or appraisal management company to disciplinary action.

A. If the check is in payment of a fee for which authority to engage in real estate appraisal or as an appraisal management company has been issued, that authority may be immediately cancelled or revoked.

B. Where a check or checks are incorrectly returned by a bank or other depository because of the bank or depository's error, a statement to that effect from the bank or depository will be required before such appraisal or appraisal management authority will be reissued.

137-800.03. [Deleted]

137-800.04. License, Certification and Registration Renewals.

(A) All appraiser licenses and certifications expire biennially on June 30 (even years), except those appraisers who first become licensed or certified in the last quarter of the renewal year (April 1 to June 30) are not required to renew until the following renewal period. If the initial license is issued in an odd-numbered year, the license shall be renewed the following year and then biennially thereafter.

(B) All appraisal management company registrations expire annually on June 30.

**137-800.05. Expired License or Registration.**

Licenses expired for more than twelve (12) months will be cancelled. Cancelled licenses may be considered for reinstatement upon proper application, payment of the original license fee, and proof of having obtained continuing education equal to the total number of hours that would have been required had the license been continuously renewed including the most recent 7-hour USPAP Update Course. Reinstatement applications will be reviewed by the Board to determine if additional real estate appraisal education will be required.

**137-800.06. Repealed.**

**137-900.01. Educational Providers - Approval Required.**

(A) Certificates of completion obtained through education providers teaching courses prior to being approved by the Board will not be recognized by the Board.

(B) Courses offered by other providers may be approved if they comply with the regulations of the Board with regard to curriculum, instructors, hours of attendance, texts, and examinations. Certificates of Completion and if the policies and procedures of the provider are also approved by the Board.

(C) Other information not submitted with the application, but which is information deemed important to the consideration thereof, may be required by the Board.

(D) All provider, course and instructor approvals expire biennially on August 31 (even years). If issued in odd-numbered years, approval shall be renewed the following year and then biennially thereafter. Renewal information will be sent to all providers and instructors.

**137-900.02. Repealed.**

**137-900.03. Repealed.**

**137-900.04. Repealed.**

**137-900.05. Curriculum and Attendance.**

(A) Topics for qualifying courses referenced in 137-100.02 must be broad in scope and must cover various principles, concepts, standards, practices and/or methods that are applicable to the performance of a wide range of appraisal assignments that will commonly be encountered by licenses or certified appraisers in connection with appraisals in federally-related transactions. The courses must include a minimum of fifteen (15) hours and an examination pertinent to that educational offering. Prelicense appraisal courses must be in modules which require a specified number of education hours at each credential level as established by the AQB of The Appraisal Foundation.

(B) Topics for continuing education courses must contribute to the goal of maintaining or increasing the knowledge, skill and competence of real estate appraisers with regard to the performance of real estate appraisals in a manner that best serves the public interest and must be a minimum of two (2) class hours in length.



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(C) Learning objectives and course outline reflecting the course content with time allotments must be furnished to the Board at the time of application for approval, along with copies of all quizzes and examinations for qualifying courses. Examinations and the criteria for such examinations and final grade determination may be developed by each provider based on its individual concepts. The Board may, however, direct alterations in examinations procedures, criteria for passing, and administration whenever deemed necessary.

(D) Providers must identify to the Board the texts to be used in any approved course of instruction.

(E) For qualifying courses, providers must establish uniform testing and grading procedures for their quizzes and examinations and must use approved instructors for administering and monitoring all such tests. No proprietor, instructor or any other individual may arbitrarily alter a student's grade or offer to students any re-examination of the same test previously administered. Retake examinations must contain at least eighty percent (80%) new material.

(F) Synchronous courses must be limited to a maximum of eight (8) hours in any given day. Students must be allowed reasonable breaks. Providers must require strict attendance of all classroom or virtual hours required by law and must maintain records indicating all student absences.

(G) Providers may offer students failing to meet the minimum-hour requirement: a make-up session offered by the provider in person or virtually, consisting of the content covered in the session or hours missed; or attendance of the same class session offered by the provider at a future date.

(H) Each provider must electronically submit approved continuing education courses for each South Carolina appraiser verifying completion of a course for each licensee who satisfactorily completes the course. Completed courses must be transmitted electronically within fourteen (14) calendar days.

137-900.06. Repealed.

137-900.07. Repealed.

137-900.08. Other Operating Procedures.

(A) Teaching methods.

Courses must be taught by Board-approved instructors and presented using traditional teaching methods. Correspondence courses will not be approved. Nothing in this section, however, shall prohibit the use of video equipment as a teaching supplement.

(B) Distance Education Courses may be acceptable for qualifying and continuing education provided that the following has been met:

1. The course is presented to an organized group in an instructional setting with a person qualified and available to answer questions, provide information, and monitor student attendance;

2. Asynchronous courses must have received approval of an AQB approved certification and the Board for the course design and delivery mechanism for course content;

3. For qualifying and continuing education, the student must successfully complete the course mechanisms required for accreditation which demonstrates mastery and fluency of the content. Incremental student assessments must be present throughout asynchronous continuing education courses in order to be acceptable.

(C) Advertising.

Each provider must maintain high standards in the conduct of its operations, solicitation of its students and in its advertising and promotional material. The use of any unfair or deceptive practice or the making or causing to be made of any false, misleading or deceptive statement in any advertising or promotional material which has the tendency or capacity to mislead or deceive students, prospective students, or the public shall be cause for disciplinary action.

A provider may not advertise or imply that it is “recommended” or “endorsed” by the South Carolina Real Estate Appraisers Board.

**(D) Audit and record keeping.**

1. Providers must keep copies of all enrollment agreements, advertising, rosters and attendance records. Such records must be kept for five (5) years and be made available to a representative of the Board upon request.

2. Providers must permit periodic inspections and auditing by a representative of the Board for the purpose of evaluating course content, instructor performance of any other relevant aspect of the administration and conduct of such course.

**(E) Changes.**

Proposed changes to name, course content and/or length, texts, instructors, operating policies and procedures must be submitted to and approved by the Board prior to implementation.

**(F) Complaints.**

Providers must post in a conspicuous place a notice which states the following: “Any complaint concerning a Board-approved real estate appraiser course or instructor should be directed to the South Carolina Real Estate Appraisers Board at (the Board’s current address).”

**137-900.09. Instructors.**

(A) Approved courses held in this state must be taught by Board-approved instructors. Instructors teaching courses which are part of a degree program offered by an accredited college, university, technical college, community college or junior college may be deemed approved by the Board.

(B) Applicants for instructor approval must submit an application form along with supporting documentation as proof of knowledge of subject matter and the ability to teach effectively.

1. As proof of knowledge of the subject matter to be taught, one or more of the following will be considered:

(a) For License and Certified Residential Level Courses, an active state certified residential or certified general appraiser certificate issued by the Board or other authority acceptable to the Board, and at least three (3) years of appraisal experience; or

(b) For Certified General Level Courses, an active state certified general appraiser certificate issued by the Board or other authority acceptable to the Board, and at least three (3) years of nonresidential appraisal experience; or

(c) A college degree in an academic area directly related to the course; or

(d) Previous employment by a state or federal agency performing appraisal work for at least five (5) years immediately preceding application; or

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(e) Past experience and/or education acceptable to the Board in a subject area directly related to the course.

2. Proof of knowledge for instruction in continuing education courses must include:

(a) Three (3) years of experience within the past five (5) years directly related to subject matter to be taught; or

(b) Three (3) years of experience within the past five (5) years teaching the subject matter to be taught.

3. Proof of the ability to teach effectively, one or more of the following will be considered:

(a) A current teaching certificate issued by any state department of education (or an equivalent agency);

(b) A four-year undergraduate degree in education; or

(c) Previous experience teaching in schools, seminars or in an equivalent setting for three (3) years within the past five (5) years; or

(d) Serving as a trainee or assistant instructor under the direct supervision of a Board approved instructor for at least sixty (60) hours; or

(e) Past experience acceptable to the Board in the area of education.

(C) Instructors of the 15-hour National USPAP Course and the 7-hour USPAP Update Course must be AQB Certified USPAP Instructors who are also certified appraisers.

(D) Instructors may be approved by the Board to teach one or more specific subjects or courses as outlined in the South Carolina Real Estate Appraisers and Appraisal Management Companies Act.

(E) An instructor may teach approved courses at locations throughout the State of South Carolina but must notify the Board in advance and record his name on the provider's roster.

(F) A fee must accompany the application for each instructor approval.

### **Fiscal Impact Statement:**

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

### **Statement of Rationale:**

The updated regulation will conform to Act 196 which passed during the 2024 legislative session. The regulations amend definitions, update education and experience requirements for licensure, clarify requirements for supervisors of apprentices, update continuing education requirements, and repeal numerous regulations.

Document No. 5301  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE BOARD OF SOCIAL WORK EXAMINERS**  
 CHAPTER 110  
 Statutory Authority: 1976 Code Sections 40-1-70 and 40-63-70

110-1. Continuing Education Requirements.

**Synopsis:**

The Board of Social Work Examiners proposes to amend continuing education requirements for licensees of the Board to conform to Act 158 of the 2024 legislative session.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

ARTICLE 1  
 CONTINUING EDUCATION

110-1. Continuing Education Requirements.

A. The Board recognizes that social work is a practice of a profession which must conform to the public's expectation of professional competency. It further recognizes that structured programs of continuing education will provide licensees with opportunities for maintaining and improving competency as well as the satisfaction of new professional development.

B. As a pre-requisite for biennial renewal of the practitioner's license, the licensee must complete a minimum of 40 contact hours of accepted professional continuing education per renewal period. One of these hours must be in suicide assessment, treatment and management treatment.

C. The general guidelines for completing forty (40) contact hours of instruction are:

(1) Accepted instruction will be those courses, conferences, seminars, etc., as approved by the Board pursuant to subsection D below.

(2) Only student class hours or the equivalent will be counted as credit.

(3) As a lecturer or discussion leader for materials directly related to the profession of social work, you may receive two hours per hour of presentation time to account for presentation and development of materials. Licensees may not receive credit for teaching the same course more than once per renewal period.

(4) Except in unusual circumstances, credits will not be given for repeating an instructional course.

D. Approval for continuing education credit:

(1) Approval for continuing education credit shall be provided by persons designated by the Board upon guidelines and standards established by the Board pursuant to these Regulations.

(2) Application for continuing education credit approval shall be in the manner and form designated by the Board.

(3) Application for approval shall be processed at times, and in the manner, designated by the Board up to the date of submission of the continuing education report. The risk of disapproval shall be borne by the sponsor or applicant for continuing education credit.

**Fiscal Impact Statement:**

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

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### Statement of Rationale:

The Board of Social Work Examiners proposes to amend continuing education requirements for licensees of the Board to conform to Act 158 of the 2024 legislative session.

Document No. 5356

### DEPARTMENT OF LABOR, LICENSING AND REGULATION

### BOARD OF VETERINARY MEDICAL EXAMINERS

### CHAPTER 120

Statutory Authority: 1976 Code Sections 40-1-70, 40-69-60, and 40-69-70

120-4. Licensure to Practice Veterinary Technology.

120-5. Biennial License Renewal.

120-6. Continuing Education Requirements; Waivers.

120-7. Continuing Education Provider and Sponsor Approval.

### Synopsis:

The South Carolina Board of Veterinary Medical Examiners proposes to amend Chapter 120 of the Code of Regulations to make changes regarding continuing education requirements. The Board intends to review and will consider adding to, amending or repealing other sections of Chapter 120.

A Notice of Drafting was published in the *State Register* on May 24, 2024.

### Instructions:

Print the regulation as shown below. All other items remain unchanged.

### Text:

120-4. Licensure to Practice Veterinary Technology.

It shall be unlawful for any person to engage in the practice of veterinary technology unless duly licensed under the applicable provisions of this chapter.

A. Application. Any person desiring to be licensed as a veterinary technician must apply to the Board and provide all information and documentation required by the Board. Applications and accompanying documents will be valid for one (1) year from the initial application date. After one (1) year, a new application with attendant documents and appropriate fees must be submitted.

B. Education Transcript(s). Certified transcripts shall be mailed directly to the Board office from the appropriate educational institution.

(1) Certified transcripts from an accredited school or college of veterinary technology, or

(2) Certification from Board approved veterinary technology educational institution.

C. Examinations.

(1) Veterinary Technician National Examination. Certified minimum passing score of national examination as set by AAVSB.

(2) South Carolina State Law and Ethics Examination. Minimum passing score as set by SCBVME.

#### 120-5. Biennial License Renewal.

##### A. Active License.

It is the responsibility of each licensee to apply for license renewal. Any person who shall practice veterinary medicine or veterinary medical technology after such expiration of license shall be practicing in violation of the law.

(1) Licenses shall be renewed biennially upon submission of renewal fee and Biennial Renewal Form.

(2) Failure to apply for renewal within thirty (30) days after expiration of license term shall result in automatic lapse of license. In addition to the renewal fee, a late fee shall be assessed.

##### B. Renewal of Lapsed License.

The right to practice in South Carolina is suspended until the following requirements are met.

(1) A veterinarian or veterinary technician whose license has lapsed within three (3) years from the date of renewal may reactivate the license by submitting satisfactory evidence of continuing education, if applicable, and payment of the renewal fee plus the applicable penalty.

(2) A veterinarian or veterinary technician whose license has been lapsed for three (3) years or longer must meet the requirements in effect at the time of application for a new license. The Board may also assess an additional penalty.

##### C. Fee Waiver During Period of Temporary Medical Disability.

Upon written request, a licensee may apply for a waiver of the license renewal fee and other requirements of no more than three (3) years due to temporary medical disability which prevents the licensee from practicing. Upon approval by the Board of the request, the licensee will be placed in an inactive status and the license held by the licensee will no longer be valid. The licensee may apply for license reactivation after the period of disability.

#### 120-6. Continuing Education Requirements; Waivers.

A. Continuing Education Requirements. Failure to satisfy continuing education requirements for biennial renewal shall result in automatic revocation of license. Any licensee who continues practice of veterinary medicine after such revocation shall be in violation of this chapter and subject to applicable disciplinary action.

(1) As a pre-requisite for biennial renewal,

(a) the veterinarian must complete a minimum of thirty (30) hours of continuing education;

(b) the veterinary technician must complete a minimum of twelve (12) hours of continuing education.

(2) Credit hours may be earned by completion of programs offered through the following sources:

(a) The American Veterinary Medical Association (AVMA), the American Animal Hospital Association (AAHA), the National Association of Veterinary Technicians of America (NAVTA), and the Veterinary Hospital Managers Association;

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(b) The American Association of Veterinary State Board's (AAVSB) Registry of Approved Continuing Education (RACE);

(c) State veterinary medical and veterinary technician associations;

(d) AVMA or NAVTA recognized specialty organizations; or

(e) such other programs as may be approved by the Board.

(3) Of the thirty (30) required hours,

(a) A veterinarian authorized to prescribe controlled substances shall complete at least two (2) hours of continuing education every two (2) years related to approved procedures of prescribing and monitoring controlled substances listed in Schedules II, III, and IV of the schedules provided for in S.C. Code Sections 44-53-210, 44-53-230 and 44-53-250;

(b) A minimum of twenty-two (22) hours must be in veterinary medical/surgical courses;

(c) No fewer than twenty (20) hours must be live, in-person or live digital interactive programs, the remaining ten (10) may be pre-recorded or written.

(4) Of the twelve (12) required hours for licensed veterinary technicians:

(a) A minimum of six (6) hours must be in veterinary medical.

(b) No fewer than six (6) hours must be live in-person or live digital interactive programs, the remaining six (6) may be pre-recorded or written.

(5) Each licensee must maintain a record of attendance at the meetings qualifying for continuing education for a minimum of three (3) years immediately preceding renewal. The licensee must maintain documentation to include:

(a) name and license number of the participant;

(b) name of provider;

(c) name of program;

(d) hours completed; and

(e) date of completion.

### B. Waiver of Continuing Education Requirements.

(1) The continuing education requirement is waived for the licensee for the first year of licensure.

(2) In individual cases involving extraordinary hardship or extenuating circumstances, disability or illness, all or any part of the requirements may be waived, modified or extended by the Board.

Any applicant shall be eligible for waiver or extension who, upon written application to the Board and for good cause shown, demonstrates that they are unable to participate in a sufficient number of regular continuing educational programs for licensure/registration.

## 120-7. Continuing Education Provider and Sponsor Approval.

Providers or sponsors of continuing education must be approved by the South Carolina Board of Veterinary Medical Examiners.

A. Providers and sponsors seeking approval for educational programs must submit a written request to the Board offices at least forty-five (45) days prior to the scheduled date of the presentation.

B. Providers and sponsors must provide adequate documentation of licensee's participation in the program. Such documentation shall include:

- (1) name and license number of participant;
- (2) name and address of provider or sponsor;
- (3) name of program;
- (4) hours completed;
- (5) date of program and location of program;
- (6) authorized signature from program provider or sponsor;
- (7) Providers of distance learning program must also provide document of follow-up testing, if applicable.

C. Comprehensive Approval. A comprehensive approval allows the provider or sponsor to submit an application indicating all course offerings for a given calendar year. Requests for a comprehensive approval may be submitted to the Board office on an annual basis at least ninety (90) days prior to the beginning of each year or ninety (90) days prior to the beginning of a scheduled program. Providers and sponsors shall be responsible for annual renewal of course offerings. Programs offered by the following shall receive comprehensive approval:

(1) The American Veterinary Medical Association (AVMA), the American Animal Hospital Association (AAHA), the National Association of Veterinary Technicians of America (NAVTA), the Veterinary Hospital Managers Association;

(2) the American Association of Veterinary State Board's (AAVSB) Registry of Approved Continuing Education (RACE);

- (3) State veterinary medical and veterinary technician associations;
- (4) AVMA or NAVTA recognized specialty organizations;
- (5) Such other sources as may be approved by the Board.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

The updated regulations would: increase the number of hours of continuing education that veterinary technicians must complete from ten to twelve; modify the list of approved continuing education programs; modify the breakdown of continuing education hours for veterinarians from eight in practice management and



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22 in veterinary/medical to two in controlled substances prescribing and monitoring and 22 in medical, and further establishes the number of live versus recorded hours of continuing education veterinarians are required to attend; adds the breakdown of continuing education hours for veterinary technicians of six in veterinary/medical, and further establishes the number of live versus recorded hours veterinary technicians are required to attend; adds hardship waiver requirements for continuing education; and decreases the number of days providers and sponsors have to seek approval for educational programs from 90 days to 45. The proposed regulation also removes requirements for having sponsors sign documentation and provide follow up testing, and makes other minor changes.

Document No. 5330  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123  
Statutory Authority: 1976 Code Sections 50-11-1910 and 50-11-1920

123-56. Deer Processors and Donated Deer Processing Recovery Fee. (New)

### Synopsis:

The Department of Natural Resources proposes to add Regulation 123-56 “Deer Processors and Donated Deer Processing Recovery Fee”. The following new regulation is made in order to permit deer processors to process legally taken female (doe) deer donated by a hunter or deer depredation permittee and recover the fee of processing the deer from a person other than the individual who donated the deer. The regulation prescribes the necessary guidelines to implement SC Code of Laws 50-11-1910(B). It provides direction and conditions for deer processors to obtain a permit to process legally taken female (doe) deer donated by a hunter or deer depredation permittee and recover the fee of processing the deer from a person other than the individual who donated the deer. Additionally, the regulation prescribes directions for reporting fee recoveries taken under the permit.

The Notice of Drafting was published in the *State Register* on September 27, 2024.

### Instructions:

Print the regulation as shown below. All other items remain unchanged.

### Text:

123-56. Deer Processors and Donated Deer Processing Recovery Fee.

1. A donated deer is defined as a legally taken female (doe) deer that is knowingly, intentionally, and unconditionally given or transferred to a permitted processor. It also includes any processed deer that has not been collected by the owner or his representative within the designated pickup timeframe, as specified by a posted notice at the business or communicated in writing to the customer.

2. To participate in the processing fee recovery program, a deer processor must submit an application provided by the department and be issued a permit annually. The permit is only valid for recovering the processing fee from female (doe) deer donated by a hunter or deer depredation permittee. A violation of a permit condition may result in permit revocation and penalties under the enabling code section.

3. Permitted processors are not obligated to accept donated deer and may choose the times when donated deer are accepted.

4. Permitted processors must submit to the department by January 31 annually the number of deer donated for which processing fees were recovered.

5. Permitted processors may not recover fees more than those normally charged for deer processing services.

6. Permitted processors must post or make available a list of fees for services that may include but are not limited to skinning/dressing, cutting/wrapping, upcharges for specialty cuts and specialty items like sausage, jerky, snack sticks, etc.

7. Processing fees may be recovered for whole processed deer or for portions of a processed deer provided that fees for portions or specialty products are prorated so they do not exceed what is normally charged for the item as part of processing a whole deer.

8. References to the program must describe it as “recovering” or “being reimbursed for” the processing fee in the same manner that would occur if the individual who harvested the deer paid the processing fee.

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

The amendment of Regulations 123-56 will result in opportunities for processors to recover the costs and fees associated with deer that are donated. This will generate additional State revenue through sales tax.

#### **Statement of Rationale:**

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and establishing public hunting and recreation. SCDNR seeks to balance the objectives of resource protection and public use.

Document No. 5331  
**DEPARTMENT OF NATURAL RESOURCES**  
 CHAPTER 123  
 Statutory Authority: 1976 Code Section 50-11-546

123-57. Electronic Harvest Reporting of Big Game – SC Game Check. (New)

#### **Synopsis:**

The Department of Natural Resources proposes to add Regulation 123-57 “Electronic Harvest Reporting of Big Game – SC Game Check”. The subject of the proposed action is to amend the regulations to add provisions to prescribe details of electronic harvest reporting for all big game species (deer, wild turkey, and black bear). SC Code Section 50-11-546 was amended effective July 1, 2024, to make electronic harvest reporting applicable to all big game species. Regulations prescribe reporting methods and reporting elements required.

The Notice of Drafting was published in the *State Register* on September 27, 2024.

#### **Instructions:**

Print the regulation as shown below. All other items remain unchanged.

#### **Text:**

123-57. Electronic Harvest Reporting for Big Game. - SC Game Check.

1. SC Game Check is available as part of a free mobile device application called “GoOutDoorsSC”, there is a web-based portal hosted on the department web site, and a toll-free telephone number for reporting by telephone or text message. Applicable telephone numbers and internet addresses are as posted on the Department’s website and in the annual Hunting and Fishing Regulations Guide.

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2. The contents of the harvest report varies by species but includes date, county, and time (a.m. or p.m.) of harvest, whether the game was taken on private or public (WMA) land and if taken on public land the name of the WMA, weapon type, sex, number of antler points, weight (optional), inside antler spread (optional).

3. The harvest report confirmation number provided by the department is automatically recorded on the mobile telephone application and on the web-based portal. There is an option for the confirmation number to be emailed if the report is made on the web-based portal or texted to the user if the report is made using the toll-free telephone number. The user can also record the confirmation number in writing.

### **Fiscal Impact Statement:**

The amendment of Regulations 123-57 will not result in additional fiscal impact to the state.

### **Statement of Rationale:**

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and establishing public hunting and recreation. SCDNR seeks to balance the objectives of resource protection and public use. Electronic harvest reporting has been required for bears and turkey in previous years and the reporting process has been refined during implementation of reporting for these other species.

Document No. 5332

## **DEPARTMENT OF NATURAL RESOURCES**

### **CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-300, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-525, 50-11-530, 50-11-540, 50-11-544, 50-11-546, 50-11-580, 50-11-2200, and 50-11-2210

123-40. Wildlife Management Area Regulations.

123-51. Turkey Hunting Rules and Seasons.

123-53. Bear Hunting Rules and Seasons.

### **Synopsis:**

The South Carolina Department of Natural Resources is proposing to amend the existing regulations that set seasons, bag limits and methods of hunting and taking of wildlife. These amendments set seasons for new Wildlife Management Areas, modify turkey seasons and bag limits to conform to statute, and increase the bear quota in Game Zone 4.

The Notice of Drafting was published in Volume 48, Issue No. 9 of the South Carolina *State Register* on September 27, 2024.

### **Instructions:**

Print the regulation as shown below. All other items remain unchanged.

### **Text:**

123-40. Wildlife Management Area Regulations.

1.1 The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas and special restrictions for use of WMA lands are as follows:

A. Game Zone 1

1. US Forest Service WMA lands (Sumter National Forest)

(a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.

(b) Primitive Weapons Hunts for Deer

(i) Oct. 1 - Oct. 10

(c) Still Gun Hunts for Deer

(i) Oct. 11 through Oct. 16; Oct. 31 - Jan. 1

(d) Archery Hunts for Deer

(i) Oct. 17-Oct. 30

(e) Still Gun Hunts for Bear

(i) Game Zone 1 seasons and bag limits apply

(f) Special Party Dog Hunt for Bear

(i) Game Zone 1 seasons and bag limits apply

(g) Small Game

(i) Game Zone 1 seasons and bag limits apply

(h) Hog Hunts with Dogs

(i) Jan. 2 - Jan. 10, Mar. 20 - Mar. 28

2. Other WMAs

(a) Archery Hunts for Deer

(i) Oct. 17 - Oct. 30

(b) Primitive Weapons for Deer

(i) Oct. 1 through Oct. 10

(c) Still Gun Hunts for Deer

(i) Oct. 11 through Oct. 16; Oct. 31 - Jan. 1

(d) Still Gun Hunts for Bear

(i) Game Zone 1 seasons and bag limits apply

(e) Special Party Dog Hunt for Bear

(i) Game Zone 1 seasons and bag limits apply

(f) Small Game

(i) Game Zone 1 seasons and bag limits apply

(g) Hog Hunts with Dogs

(i) Jan. 2 - Jan. 10, Mar. 20 - Mar. 28

3. Glassy Mountain Archery Only Area - Chestnut Ridge Heritage Preserve

(a) Archery Hunts for Deer.

(i) Oct. 1 - Jan. 1

(b) Small Game

(i) Game Zone 1 seasons and bag limits apply

4. Long Creek Tract

(a) Game Zone 1 seasons and bag limits, except no deer hunting on or after Thanksgiving Day

5. Mill Shoals WMA

(a) Archery Hunts for Deer

(i) Oct. 1 - Jan. 1

(b) Archery Hunts for Bear

(i) Oct. 17 - Oct. 23

(c) Small Game

(i) Game Zone 1 seasons and bag limits apply

6. South Saluda WMA

(a) Designated as a Quality Deer Management Area

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- (b) Archery Hunts for Deer
  - (i) Oct. 1 - Jan. 1
- (c) Still Gun Hunts for Bear
  - (i) Oct. 17 - Oct. 23
- (d) Small Game
  - (i) Game Zone 1 seasons and bag limits apply
- (e) Hog Hunts with Dogs
  - (i) Jan. 2 – Jan. 10, Mar. 20 – Mar. 28

### B. Game Zone 2

1. US Forest Service WMA lands (Sumter National Forest)
  - (a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
  - (b) Archery Hunts for Deer
    - (i) Sept. 15 - Sept. 30
  - (c) Primitive Weapons for Deer
    - (i) Oct. 1 through Oct. 10
  - (d) Still Gun Hunts for Deer
    - (i) Oct. 11 through Jan. 1
  - (e) Small Game
    - (i) Game Zone 2 seasons and bag limits apply except for quail and woodcock within the Indian Creek Quail Focal Area on the Enoree Ranger District of the Sumter National Forest
  - (f) Hog Hunts with Dogs
    - (i) Jan. 2 - 10, Mar. 20 - 28
2. Other WMAs
  - (a) Archery Hunts for Deer
    - (i) Sept. 15 - Sept. 30
  - (b) Primitive Weapons for Deer
    - (i) Oct. 1 through Oct. 10
  - (c) Still Gun Hunts for Deer
    - (i) Oct. 11 through Jan. 1
  - (d) Small Game
    - (i) Game Zone 2 seasons and bag limits apply
  - (e) Hog Hunts with Dogs
    - (i) Jan. 2 - 10, Mar. 20 - 28
3. Keowee WMA
  - (a) Designated as a Quality Deer Management Area. No hunting is allowed in research and teaching areas of Keowee WMA posted with white signs except those special hunts for youth or mobility impaired as conducted by the Department.
  - (b) North of Hwy 123 and west of the Keowee arm of Lake Hartwell, and west of Hwy 291, small game hunting with shotguns only. All other areas are archery only for small game.
  - (c) Archery Hunts for Deer
    - (i) Oct. 15 - Dec. 22
  - (d) Raccoon and Opossum
    - (i) Game Zone 2 seasons and bag limits
  - (e) Other Small Game
    - (i) Game Zone 2 seasons and bag limits apply.
    - (ii) No small game hunting during archery deer hunts except for waterfowl, designated dove field hunting, or raccoon and opossum hunting at night.
4. Draper WMA
  - (a) Data cards required for hunter access. Completed data cards must be returned daily before leaving the WMA.
  - (b) Archery Hunts for Deer

- (i) Sept. 15 - Sept. 30
  - (c) Primitive Weapons for Deer
    - (i) Oct. 1 - Oct. 10
  - (d) Still Gun Hunts for Deer
    - (i) Oct. 11 - Jan. 1
  - (e) Quail Hunts
    - (i) 1<sup>st</sup> Sat. following Thanksgiving, 1<sup>st</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Wed. in Dec., 3<sup>rd</sup> Sat. in Dec., 1<sup>st</sup> and 4<sup>th</sup> Sat. in Jan., 3<sup>rd</sup> Wed. in Jan., 2<sup>nd</sup> Wed. in Feb., 3<sup>rd</sup> Sat. in Feb.
      - (ii) Game Zone 2 bag limit
      - (iii) Shooting hours end 30 minutes prior to official sunset.
  - (f) Rabbit Hunts
    - (i) Wed. and Sat. in Jan. and Feb. except during scheduled quail hunts.
    - (ii) Game Zone 2 bag limit
  - (g) Other Small Game (no fox squirrels)
    - (i) Zone 2 seasons and bag limits apply
- 5. Fant's Grove WMA
  - (a) Designated as a Quality Deer Management Area
  - (b) Archery Deer Hunts
    - (i) Oct. 15 - Dec. 22
  - (c) Special Gun Hunts for Deer
    - (i) Hunters selected by drawing
    - (ii) Total 1 deer, either sex.
  - (d) Raccoon and Opossum
    - (i) Game Zone 2 seasons and bag limits
  - (e) Other Small Game
    - (i) Game Zone 2 seasons and bag limits apply
    - (ii) No small game hunting during archery deer hunts except for waterfowl, designated dove field hunting, or raccoon and opossum hunting at night.
    - (iii) Waterfowl may be hunted Wed. and Sat. AM only.
- 6. Rock Hill Blackjacks HP WMA
  - (a) Archery Deer Hunts
    - (i) Sept. 15 - Jan. 1
  - (b) Small Game
    - (i) No small game hunting
- 7. Belfast WMA
  - (a) All terrain vehicles are prohibited. All harvested deer and turkeys must be checked in at the Belfast Check Station. Belfast WMA is open to public access during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) except during special hunts and events regulated by DNR. Hunters may not enter the WMA prior to 5:00 AM on designated hunts. Public visitation is not allowed during scheduled deer and turkey hunts. Data cards required for hunter access. Completed data cards must be returned daily upon leaving Belfast WMA.
  - (b) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
  - (c) Designated as a Quality Deer Management Area.
  - (d) Archery Hunts for Deer
    - (i) Sept. 15 - Sept. 30
  - (e) Still Gun Hunts for Deer
    - (i) Hunters selected by drawing
  - (f) Small Game (no fox squirrels)
    - (i) Thanksgiving Day - Mar. 1
    - (ii) Game Zone 2 bag limits
- 8. Broad River Waterfowl Management Area
  - (a) Archery Deer Hunts
    - (i) Sept. 15 - Oct. 31

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- (b) Small Game
  - (i) Feb. 8 - Mar. 1
  - (ii) Game Zone 2 bag limits
- 9. McCalla WMA
  - (a) Designated as a Quality Deer Management Area.
  - (b) Deer Hunts
    - (i) Game Zone 2 seasons
  - (c) Small Game
    - (i) Game Zone 2 seasons and bag limits apply
  - (d) Hog Hunts with Dogs
    - (i) Jan. 2 - 10, Mar. 20 - 28
  - (e) Special Hunt Area for Youth and Mobility Impaired Hunters
    - (i) No open season except for hunters selected by drawing
    - (ii) 1 deer per day, either sex
- 10. Worth Mountain WMA
  - (a) Designated as a Quality Deer Management Area
  - (b) Deer Hunts
    - (i) Game Zone 2 seasons
  - (c) Small Game
    - (i) Game Zone 2 seasons and bag limits apply.
- 11. Liberty Hill WMA
  - (a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
  - (b) All visitors entering by vehicle are required to sign in upon entry to the WMA and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.
  - (c) Designated as a Quality Deer Management Area.
  - (d) Archery Hunts for Deer
    - (i) Sept. 15 - Sept. 30
  - (e) Primitive Weapons for Deer
    - (i) Oct. 1 - Oct. 10
  - (f) Still Gun Hunts for Deer
    - (i) Oct. 11 - Jan. 1
  - (g) Small Game (no fox squirrels)
    - (i) Zone 2 seasons and bag limits apply.
- 12. Delta North WMA
  - (a) Deer Hunts
    - (i) Game Zone 2 seasons
  - (b) Small Game (no fox squirrels)
    - (i) Game Zone 2 seasons and bag limits apply
- 13. Delta South WMA
  - (a) Archery Hunts for Deer
    - (i) Sept. 15 - Sept. 30
  - (b) Still Gun Hunts for Deer
    - (i) Nov. 1 - Nov. 21, Wednesdays and Saturdays Only.
    - (ii) Special hunts for youth or mobility impaired hunters as published by SCDNR.
  - (c) Small Game (no fox squirrels)
    - (i) Thanksgiving Day - Mar. 1
    - (ii) Game Zone 2 bag limits
- 14. Forty Acre Rock HP WMA
  - (a) Archery Hunts for Deer
    - (i) Sept. 15 - Sept. 30
  - (b) Primitive Weapons for Deer
    - (i) Oct. 1 - Oct. 10

- (c) Still Gun Hunts for Deer
  - (i) Oct. 11 - Jan. 1
- (d) Small Game (no fox squirrels)
  - (i) Game Zone 2 seasons and bag limits apply
- 15. Indian Creek Quail Focal Area
  - (a) The area is defined as that area of the Sumter National Forest Enoree Ranger District in Newberry County, bounded on the south by Old Whitmire Highway, private lands, and SC Highway 176; on the east by Brazzelmanns Bridge Road, and private lands; on the northeast by the Enoree River; on the north by Wallace Road and private lands; on the west by SC Highway 121 and private lands; and on the southeast by Indian Creek to its intersection with SC Highway 121.
  - (b) Small Game (except quail)
    - (i) Game Zone 2 seasons and bag limits apply
  - (c) Quail Hunts
    - (i) 1<sup>st</sup> Sat. following Thanksgiving, 1<sup>st</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Wed. in Dec., 3<sup>rd</sup> Sat. in Dec., 1<sup>st</sup> and 4<sup>th</sup> Sat. in Jan., 3<sup>rd</sup> Wed. in Jan., 2<sup>nd</sup> Wed. in Feb., 3<sup>rd</sup> Sat. in Feb.
    - (ii) Daily bag limit for quail is 6 quail per person per day
  - (d) Woodcock hunting is permitted only on designated quail hunting days within the statewide woodcock hunting season.
  - (e) All quail, woodcock, and rabbit hunters must sign in and out at the designated check station.
- C. Game Zone 3
  - 1. Other WMAs
    - (a) Archery Deer Hunts
      - (i) Sept. 15 - Sept. 30
    - (b) Still Gun Hunts for Deer
      - (i) Oct. 1 - Jan. 1
    - (c) Small Game
      - (i) Game Zone 3 seasons and bag limits apply
  - 2. Crackerneck WMA and Ecological Reserve
    - (a) All individuals must sign in and out at main gate. Designated as a Quality Deer Management Area. Scouting seasons (no weapons), will be Saturdays only during September, March, and May. The gate opens at 6:00am and closes at 8:00pm. On deer hunt days, gates will open as follows: Oct., 4:30am - 8:30pm; Nov. - Dec., 4:30am - 7:30pm. For special hog hunts in Jan. and Feb., gate will be open from 5:30am - 7:00pm. On all raccoon hunts, raccoon hunters must cease hunting by midnight and exit the gate by 1:00am. All reptiles and amphibians are protected. No turtles, snakes, frogs, toads, salamanders etc. can be captured, removed, killed or harassed.
    - (b) Archery Deer Hunts
      - (i) 1st Fri. and Sat. in Oct
    - (c) Primitive Weapons Deer Hunts (no buckshot).
      - (i) 2nd Fri. and Sat. in Oct.
    - (d) Still Gun Hunts for Deer
      - (i) 3rd Fri. in Oct. - Jan. 1, Fri., Sat. and Thanksgiving Day only except closed Dec. 25.
    - (e) Raccoon and Opossum
      - (i) 3rd Sat. night in Oct. - Jan. 1, Sat. nights only, except closed Dec. 25, 1st Fri. night in Jan. to last Fri. or Sat. night in Feb., Fri. and Sat. nights only.
      - (ii) 3 raccoons per party per night
    - (f) Still Hunts for Hogs
      - (i) 1st Fri. after Jan. 1 - last Fri. in Feb. Fridays only
      - (ii) No limit.
    - (g) Other Small Game (except no open season on bobcats, foxes, otters or fox squirrels).
      - (i) 3rd Fri. in Oct. - last Fri. or Sat. in Feb. Fri., Sat. and Thanksgiving Day only except closed Dec. 25.
      - (ii) Game Zone 3 bag limits
  - 3. Aiken Gopher Tortoise Heritage Preserve WMA
    - (a) Archery Deer Hunts



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- (i) Sept. 15 - Sept. 30
- (b) Still Gun Hunts for Deer
  - (i) Oct. 1 - Jan. 1.
- (c) Small Game (no fox squirrels).
  - (i) Thanksgiving day - Mar. 1.
  - (ii) Game Zone 3 bag limits.
- 4. Ditch Pond Heritage Preserve WMA
  - (a) Archery Deer Hunts.
    - (i) Sept. 15 - Jan. 1
  - (b) Small Game (no fox squirrels).
    - (i) Thanksgiving Day - Mar. 1
    - (ii) Game Zone 3 bag limits
- 5. Henderson Heritage Preserve WMA
  - (a) Archery Deer Hunts.
    - (i) Sept. 15 - Jan. 1
  - (b) No small game hunting allowed
- 6. Francis Marion National Forest
  - (a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
  - (b) On the either sex deer hunt with dogs, all deer must be checked in at specified locations by one hour after legal sunset.
  - (c) During deer hunts when dogs are used, buckshot only is permitted. Individual antlerless deer tags are not valid during dog hunts for deer unless otherwise specified. Tibwin Special Use Area and Fairlawn (in Wambaw) are closed to hunting except for Special hunts. On youth deer hunts, only youths 17 and younger may carry a gun and must be accompanied by an adult 21 years old or older. No fox or coyote hunting with dogs on the Francis Marion.
  - (d) Hog Hunts with Dogs
    - (i) 3rd full week in Mar., 3rd full week in May
  - (e) Still Hog Hunts
    - (i) First full week in Mar.
  - (f) Hellhole WMA
    - (i) Archery Deer Hunts
      - (1) Sept. 15 - Oct. 10
    - (ii) Still Gun Hunts for Deer
      - (1) Oct. 11 - Jan. 1 except during scheduled dog drive hunts
    - (iii) Deer Hunts with Dogs (shotguns only)
      - (1) 1st Sat. in Nov., 1st Sat. in Dec.
        - (a) 2 deer per day, buck only
    - (iv) Youth Only Deer Hunt with Dogs
      - (1) 2nd Sat. in Nov.
      - (2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day except no antlerless deer may be taken.
    - (v) Small Game (no open season for fox hunting)
      - (1) Game Zone 3 seasons and bag limits apply.
      - (2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.
  - (g) Waterhorn WMA
    - (i) Archery Deer Hunts
      - (1) Sept. 15 - Oct. 10
    - (ii) Muzzleloader Hunts for Deer
      - (1) Oct. 11 - Oct. 20
    - (iii) Still Gun Hunts for Deer
      - (1) Every Friday and Saturday beginning Nov. 1.

- (iv) Small Game (no open season for fox hunting)
  - (1) Game Zone 3 seasons and bag limits apply.
  - (2) Dogs allowed during small game gun season only. Closed to small game and waterfowl hunting during scheduled deer hunt periods.
- (h) Wambaw WMA
  - (i) Archery Deer Hunts
    - (1) Sept. 15 - Oct. 10
  - (ii) Still Gun Hunts for Deer
    - (1) Oct. 11 - Jan. 1 except during scheduled dog drive hunts west of Hwy 17.
    - (2) Still gun hunts only East of Hwy 17. No buckshot.
  - (iii) Deer Hunts with Dogs (shotguns only)
    - (1) Fri. in Sept. before the last Sat. Northampton dog hunt, Wed. and Thurs. before the 3rd Sat. in Nov. and 2nd Sat. in Oct., first 2 days excluding Sunday after Dec. 25
      - (a) 2 deer per day, buck only
      - (2) 2nd Sat. in Dec.
        - (a) 1 deer per day
        - (b) All deer must be checked in at designated check stations.
  - (iv) Youth Only Deer Hunt with Dogs
    - (1) 3rd Saturday in November.
    - (2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day except no antlerless deer may be taken.
  - (v) Seewee Special Use Area
    - (1) Archery Deer Hunts
    - (2) Sept. 15 - Jan. 1
  - (vi) Small Game (no open season for fox hunting)
    - (1) Game Zone 3 seasons and bag limits apply.
    - (2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.
- (i) Northampton WMA
  - (i) Archery Deer Hunts
    - (1) Sept. 15 - Oct. 10
  - (ii) Still Gun Hunts for Deer
    - (1) Oct. 11 - Jan. 1 except during scheduled dog drive hunts.
  - (iii) Deer Hunts with Dogs (shotguns only)
    - (1) Last Sat. in Sept., Wed. and Thurs. before the 2nd Sat. in Oct., Fri. before the 4th Sat. in Nov., 3rd day excluding Sunday after Dec. 25
      - (a) 2 deer per day, buck only
      - (2) 2nd Sat. in Dec.
        - (a) 1 deer per day
        - (b) All deer must be checked in at designated check stations.
  - (iv) Youth Only Deer Hunt with Dogs
    - (1) Last Saturday in Nov.
    - (2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day except no antlerless deer may be taken.
  - (v) Small Game (no open season for fox hunting)
    - (1) Game Zone 3 seasons and bag limits apply.
    - (2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.
- (j) Santee WMA
  - (i) Archery Deer Hunts
    - (1) Sept. 15 - Oct. 10
  - (ii) Still Gun Hunts for Deer
    - (1) Oct. 11 - Jan. 1 except during scheduled dog drive hunts

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- (iii) Deer Hunts with Dogs (shotguns only)
  - (1) 2nd Fri. and Sat. in Sept., Wed. and Thurs. before the 4th Sat. in Oct., 1st Fri. in Dec.
  - (a) 2 deer per day, buck only
  - (2) 2nd Sat. in Dec.
  - (a) 1 deer per day
  - (b) All deer must be checked in at designated check stations.
- (iv) Youth Only Deer Hunt with Dogs
  - (1) 3rd Sat. in Oct.
  - (2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day except no antlerless deer may be taken.
- (v) Small Game (no open season for fox hunting)
  - (1) Game Zone 3 seasons and bag limits apply.
  - (2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.
- 7. Moultrie
  - (a) No hunting or shooting within fifty feet of the center of any road during gun hunts for deer except for SCDNR draw youth hunts.
  - (b) Bluefield WMA
    - (i) Open only to youth 17 years of age or younger who must be accompanied by an adult at least 21 years of age. Youth hunters must carry a firearm and hunt. Adults with youth are allowed to carry a weapon and hunt.
    - (ii) Still Gun Hunts for Deer
      - (1) Sept. 15 - Jan. 1, Wed. and Sat. only
    - (iii) Small Game (no fox squirrels)
      - (1) Game Zone 3 seasons and bag limits apply.
      - (2) No small game hunting during scheduled deer hunts.
  - (c) Greenfield WMA
    - (i) Still Gun Hunts for Deer
      - (1) Sept. 15 - Jan. 1
    - (ii) Small Game (no fox squirrels)
      - (1) Thanksgiving Day - Mar. 1
      - (2) Game Zone 3 bag limits
  - (d) North Dike WMA
    - (i) Still Gun Hunts for Deer
      - (1) Sept. 15 - Oct. 15.
    - (ii) Special Gun Hunts for youth and women
      - (1) Hunters selected by drawing.
      - (2) 1 deer per day
    - (iii) Small Game (no fox squirrels)
      - (1) Jan. 2 - Mar. 1
      - (2) Game Zone 3 bag limits.
      - (3) Sandy Beach Waterfowl Area open for raccoon hunting Feb. 9 - Mar. 1
  - (e) Porcher and Hall WMAs
    - (i) Archery Deer Hunts
      - (1) Sept. 15 - Jan. 1
    - (ii) Small Game (no fox squirrels) shotguns only
      - (1) Jan. 2 - Mar. 1
      - (2) Game Zone 3 bag limits
  - (f) Cross Station Site
    - (i) Special Gun Hunts for youth and women
      - (1) No open season except hunters selected by drawing
      - (2) 1 deer per day
- 8. Santee Cooper WMA

(a) Data cards required for hunter access. Completed data cards must be returned daily upon leaving. Hunters limited to two deer/tree stands. No stands may be placed on Santee Cooper WMA prior to Sept. 1. Campground is open during scheduled deer hunts only. All impoundments and posted buffers are closed to all public access Nov. 1 - Feb. 8 except during hunts as prescribed by the Department.

(b) Designated as a Quality Deer Management Area

(c) Archery Deer Hunts

(i) Sept. 15 - Oct. 31

(d) Primitive Weapons Deer Hunts

(i) Nov. 1 - Monday before Thanksgiving Day

(e) Special Gun Hunts for youth

(i) Hunters selected by drawing.

(ii) 1 deer per day

(f) Small Game (no fox squirrels)

(i) Thanksgiving Day - Mar. 1

(ii) Game Zone 3 bag limits

#### 9. Webb WMA

(a) Data cards are required for hunter access. Completed data cards must be returned daily upon leaving. Designated as a Quality Deer Management Area.

(b) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.

(c) Still Hunts for Deer

(i) Hunters selected by drawing

(ii) 2 deer, either sex but only 1 buck

(d) Hog Hunts with Dogs

(i) 1st Thurs. - Sat. in Mar., 2nd Thurs. - Sat. in May, 4th Thurs. - Sat. in June, 4th Thurs. - Sat. in July, and last Thurs. Sat. in August

(e) Quail Hunts

(i) 1<sup>st</sup> Sat. following Thanksgiving, 1<sup>st</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Wed. in Dec., 3<sup>rd</sup> Sat. in Dec., 1<sup>st</sup> and 4<sup>th</sup> Sat. in Jan., 3<sup>rd</sup> Wed. in Jan., 2<sup>nd</sup> Wed. in Feb., 3<sup>rd</sup> Sat. in Feb.

(ii) Game Zone 3 bag limit

(iii) Shooting hours end 30 minutes prior to official sunset

(f) Raccoon and Opossum

(i) Tues. nights and Sat. nights between Oct. 11 - Sat. before Thanksgiving; The full week of Thanksgiving; Tues. nights and Sat. nights from the Tues. after Thanksgiving until Dec. 15.; Dec. 15 - Mar. 1

(ii) On Saturdays prior to Dec. 15, no entry onto WMA until 1 hour after official sunset.

(iii) Game Zone 3 bag limits

(g) Other Small Game (no fox squirrels)

(i) Thanksgiving Day through the following Sunday, Dec. 15 - Mar. 1

(ii) Game Zone 3 bag limits

(h) Dove Hunting

(i) Designated public dove field only on specified days.

#### 10. Bear Island WMA

(a) All hunters must sign in and out at the Bear Island Office. Hunting in designated areas only.

(b) Archery Deer Hunts

(i) Oct. 1 - Oct. 10

(c) Still Gun Hunts for Deer

(i) Hunters selected by drawing

(ii) 3 deer, either sex but only 1 buck

(d) Hog Hunts with Dogs

(i) 1st Thurs. - Sat. in March

(e) Alligator Hunts (Bear Island East and West Units only)

(i) Hunters selected by drawing only. Limited season with restricted access.

(ii) Limit and size restrictions as prescribed.

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(f) Small Game

(i) Feb. 8 - Mar. 1

(ii) Game Zone 3 bag limits

11. Donnelley WMA

(a) All hunters must sign in and out at the check station. Hunting in designated areas only.

(b) Archery Deer Hunts

(i) Sept. 15 - Sept. 30

(c) Still Gun Hunts for Deer

(i) Hunters selected by drawing

(ii) 3 deer, either sex but only 1 buck

(d) Hog Hunts with Dogs

(i) 1st Thurs. - Sat. in March

(e) Small Game (no fox squirrels)

(i) Thanksgiving Day - Mar. 1

(ii) Game Zone 3 bag limits

12. Hatchery WMA

(a) Archery Deer Hunts

(i) Sept. 15 - Jan. 1

(b) No small game hunting

13. Bonneau Ferry WMA

(a) All terrain vehicles prohibited. Hunting access by boat is prohibited. For hunting, the Adult/youth side is open only to youth 17 years old or younger who must be accompanied by only one adult 21 years of age or older. Youth hunters must carry a firearm and hunt. Adults with youth hunters may also carry a firearm and hunt. For deer and small game, regulations for the adult/youth and general use sides of the property will alternate each year as prescribed by the Department. All hunters must sign in and sign out upon entering or leaving. All deer must be checked out at the main entrance. Closed to public access one hour after sunset until one hour before sunrise except for special hunts regulated by DNR. Hunters may not enter WMA prior to 5:00 AM on designated hunts. All impoundments and adjacent posted buffers are closed to all public access Nov. 1 - Feb. 8 except for special draw deer hunts and waterfowl hunts regulated by DNR during the regular waterfowl season. Hunted areas are closed to general public access during scheduled deer, turkey and waterfowl hunts. No fox hunting.

(b) Adult/Youth Side

(i) Still Gun Hunts for Deer

(1) Sept. 15 - Jan. 1

(c) General Use Side

(i) Archery Deer Hunts

(1) Sept. 15 - Sept. 30

(ii) Still Gun Hunts for Deer

(1) Hunters selected by drawing

(2) Total 3 deer, either sex except only 1 buck.

(3) Hunters are required to have permit in possession and must sign in and out (Name, permit # and deer killed each day).

(d) Small Game (no fox squirrels or fox)

(i) Jan. 2 - Mar. 1

(ii) Game Zone 3 bag limits

(iii) Dogs allowed during gun seasons only

(e) Bonneau Ferry Fishing Regulations

(i) Open to fishing from Mar. 2 - Oct. 31 during daylight hours only

(ii) Adult/youth fishing only. Each youth (17 years and under) must be accompanied by no more than two adults 18 years of age or older.

(iii) The youth must actively fish.

(iv) Fishing is not allowed during scheduled deer and turkey hunts.

(v) Only electric motors may be used.

(vi) Creel limits per person per day are: largemouth bass - 2, panfish (bluegill, redear, crappie, pumpkinseed, redbreast) - 10, catfish - 5, species not listed - no limit. Grass carp must be released alive immediately.

14. Santee Coastal Reserve WMA

- (a) Archery Deer Hunts
  - (i) Sept. 15 - Jan. 1
  - (ii) Hunting on mainland only
- (b) Hog Hunts with Dogs
  - (i) 2nd full week in March
- (c) Alligator Hunts
  - (i) Hunters selected by drawing only. Limited season with restricted access.
  - (ii) Limit and size restrictions as prescribed
- (d) Small Game (no fox squirrels)
  - (i) Thanksgiving Day - Mar. 1
  - (ii) Game Zone 3 bag limits

15. Dungannon Heritage Preserve WMA

- (a) Archery Deer Hunts
  - (i) Sept. 15 - Jan. 1
- (b) Small Game (no fox squirrels)
  - (i) Thanksgiving Day - Jan. 31
  - (ii) Game Zone 3 bag limits

16. Edisto River WMA

(a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.

- (b) Archery Deer Hunts
  - (i) Sept. 15 - Oct. 10
- (c) Still Gun Hunts for Deer
  - (i) Oct. 11 - Jan. 1
- (d) Raccoon and Opossum
  - (i) Game Zone 3 seasons and bag limits
- (e) Other Small Game
  - (i) Thanksgiving Day - Mar. 1
  - (ii) Game Zone 3 bag limits

17. Canal WMA

- (a) Quail Hunts
  - (i) Game Zone 3 season and bag limit

18. Palachucola WMA

(a) Data cards are required for hunter access. Completed data cards must be returned daily upon leaving WMA. Designated as a Quality Deer Management Area.

(b) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.

- (c) Archery Deer Hunts
  - (i) Sept. 15 - Oct. 10
- (d) Still Gun Hunts for Deer
  - (i) Hunters selected by drawing
  - (ii) 3 deer, either sex but only 1 buck
- (e) Hog Hunts with Dogs
  - (i) 1st Thurs. - Sat. in Mar., 2nd Thurs. - Sat. in May, 4th Thurs. - Sat. in June, 4th Thurs. - Sat. in July, and last Thurs. Sat. in August
- (f) Quail Hunts
  - (i) 1<sup>st</sup> Sat. following Thanksgiving, 1<sup>st</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Wed. in Dec., 3<sup>rd</sup> Sat. in Dec., 1<sup>st</sup> and 4<sup>th</sup> Sat. in Jan., 3<sup>rd</sup> Wed. in Jan., 2<sup>nd</sup> Wed. in Feb., 3<sup>rd</sup> Sat. in Feb.
  - (ii) Game Zone 3 bag limit

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- (iii) Shooting hours end 30 minutes prior to official sunset.
- (g) Raccoon and Opossum
  - (i) Tues. nights and Sat. nights between Oct. 11 - Sat. before Thanksgiving; The full week of Thanksgiving; Tues. nights and Sat. nights from the Tues. after Thanksgiving until Dec. 15.; Dec. 15 - Mar. 1
  - (ii) On Saturdays prior to Dec. 15, no entry onto WMA until 1 hour after official sunset.
  - (iii) Game Zone 3 bag limits
- (h) Other Small Game (no fox squirrels)
  - (i) Thanksgiving Day through the following Sunday, Dec. 15 - Mar. 1
  - (ii) Game Zone 3 bag limits
- 19. St. Helena Sound Heritage Preserve WMA
  - (a) Deer hunting by permit only obtained at McKenzie Field Station. Camping by special permit only and on Otter Island only.
  - (b) Ashe, Beet, Warren, Otter, Big, South Williman, North Williman and Buzzard Islands Archery Deer Hunts
    - (i) Sept. 15 - Jan. 1
  - (c) No small game hunting
- 20. Tillman Sand Ridge Heritage Preserve WMA
  - (a) Archery Deer Hunts
    - (i) Sept. 15 - Jan. 1
  - (b) Small Game (no fox squirrels)
    - (i) Thanksgiving Day - Mar. 1
    - (ii) Game Zone 3 bag limits
- 21. Victoria Bluff Heritage Preserve WMA
  - (a) Archery Deer Hunts
    - (i) Sept. 15 - Jan. 1
  - (b) Small Game (no fox squirrels)
    - (i) Jan. 2 - Mar. 1
    - (ii) Game Zone 3 bag limits
    - (iii) Shotguns only
- 22. Hamilton Ridge WMA
  - (a) Designated as a Quality Deer Management Area. Horseback riding by permit only. No ATVs allowed. Data cards are required for hunter access. Completed data cards must be returned daily upon leaving the WMA.
  - (b) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
  - (c) Archery Deer Hunts
    - (i) Sept. 15 - Oct. 10
  - (d) Still Gun Hunts for Deer
    - (i) Hunters selected by drawing
    - (ii) 3 deer, either sex but only 1 buck
  - (e) Hog Hunts with Dogs
    - (i) 1st Thurs. - Sat. in Mar., 2nd Thurs. - Sat. in May, 4th Thurs. - Sat. in June, 4th Thurs. - Sat. in July, and last Thurs. Sat. in August.
  - (f) Quail Hunts
    - (i) 1<sup>st</sup> Sat. following Thanksgiving, 1<sup>st</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Wed. in Dec., 3<sup>rd</sup> Sat. in Dec., 1<sup>st</sup> and 4<sup>th</sup> Sat. in Jan., 3<sup>rd</sup> Wed. in Jan., 2<sup>nd</sup> Wed. in Feb., 3<sup>rd</sup> Sat. in Feb.
    - (ii) Game Zone 3 bag limit
    - (iii) Shooting hours end 30 minutes prior to official sunset.
  - (g) Raccoon and Opossum
    - (i) Tues. nights and Sat. nights between Oct. 11 - Sat. before Thanksgiving; The full week of Thanksgiving; Tues. nights and Sat. nights from the Tues. after Thanksgiving until Dec. 15.; Dec. 15 - Mar. 1
    - (ii) On Saturdays prior to Dec. 15, no entry onto WMA until 1 hour after official sunset.
    - (iii) Game Zone 3 bag limits
  - (h) Other Small Game (no fox squirrels)

- (i) Thanksgiving Day through the following Sunday, Dec. 15 - Mar. 1
  - (ii) Game Zone 3 bag limits
  - (iii) Dove hunting on designated public dove field only
- 23. Old Island Heritage Preserve WMA
  - (a) Archery Deer Hunts
    - (i) Sept. 15 - Jan. 1
  - (b) No small game hunting
- 24. Botany Bay Plantation Heritage Preserve WMA
  - (a) Designated as a Quality Deer Management Area. All hunters, fishermen and visitors must obtain and complete a day use pass upon entering the area and follow all instructions on the pass. Botany Bay Plantation WMA is open to public access during daylight hours ( 1 hour before sunrise to 1 hour after sunset) except during special hunts and events regulated by DNR. Area is closed to general public access during special scheduled hunts. Hunting in designated areas only. Hunting access by boat is prohibited. Fishing in the Jason's Lake complex and all other ponds is adult/youth catch and release only on designated days. For adult/youth fishing, youth must be accompanied by no more than two adults 18 years old or older. Adult may also fish.
  - (b) Archery Deer Hunts
    - (i) Sept. 15 - Oct. 10, Mon. - Sat. during the week of Thanksgiving, Mon. - Sat. during the week of Christmas.
  - (c) Still Gun Hunts for Deer
    - (i) Hunters selected by drawing
    - (ii) Total 3 deer, either sex but only 1 buck
    - (iii) Hunters are required to have permit in possession and must sign in and sign out (Name, permit # and deer killed each day) at the designated check station. All harvested deer must be checked in at the designated check station.
  - (d) Small Game (no fox squirrels or foxes)
    - (i) Jan. 2 - Mar. 1 (Wed. through Sat. only)
    - (ii) Game Zone 3 bag limits
    - (iii) Dogs allowed during gun seasons only
- 25. Congaree Bluffs Heritage Preserve WMA
  - (a) Still Gun Hunts for Deer
    - (i) Hunters selected by drawing.
    - (ii) Total 1 deer per day, either sex
  - (b) No small game hunting
- 26. Wateree River Heritage Preserve WMA
  - (a) Data cards are required for hunter and fisherman access. Completed data cards must be returned daily upon leaving WMA. All harvested deer and turkeys must be checked in at the Wateree River check station. Hunters may not enter the WMA prior to 5:00 AM on designated hunts. Hunted areas are closed to general public access during scheduled deer, turkey and waterfowl hunts. Designated as a Quality Deer Management Area.
  - (b) Archery Deer Hunts
    - (i) Sept. 15 - Oct. 10
  - (c) Still Gun Hunts for Deer
    - (i) Hunters selected by drawing
    - (ii) 3 deer, either sex but only 1 buck
  - (d) Small Game (no fox squirrels)
    - (i) Jan. 2 - Mar. 1
    - (ii) Game Zone 3 bag limits.
- 27. South Fenwick Island
  - (a) Deer hunting by permit only. Primitive camping is allowed by permit within designated areas. Permits available from DNR through the McKenzie Field Station. Property is closed to other users during scheduled deer hunts.
  - (b) Archery Deer Hunts
    - (i) Hunters selected by drawing.
  - (c) No small game or waterfowl hunting



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### 28. Turtle Island

- (a) No hunting except waterfowl and marsh hens

### 29. Coosawhatchie WMA

(a) Designated as a Quality Deer Management Area. Horseback riding by permit only. No ATVs allowed. Data cards are required for hunter access. Completed data cards must be returned daily upon leaving the WMA.

#### (b) Archery Deer Hunts

- (i) Sept. 15. – Oct. 10

#### (c) Still Hunts for Deer

- (i) Hunters selected by drawing
- (ii) 3 deer, either sex but only 1 buck

#### (d) Quail Hunts

(i) 1<sup>st</sup> Sat. following Thanksgiving, 1<sup>st</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Wed. in Dec., 3<sup>rd</sup> Sat. in Dec., 1<sup>st</sup> and 4<sup>th</sup> Sat. in Jan., 3<sup>rd</sup> Wed. in Jan., 2<sup>nd</sup> Wed. in Feb., 3<sup>rd</sup> Sat. in Feb.

- (ii) Game Zone 3 bag limit

- (iii) Shooting hours end 30 minutes prior to official sunset

#### (e) Small Game (no fox squirrels)

- (i) Jan. 2 – Mar. 1

- (ii) Game Zone 3 Bag Limits

- (iii) Dove hunting in designated public dove field only

## D. Game Zone 4

### 1. Other WMAs

#### (a) Archery Deer Hunts.

- (i) Sept. 15 - Oct. 10

#### (b) Still Gun Hunts for Deer

- (i) Oct. 11 - Jan. 1

#### (c) Small Game

- (i) Game Zone 4 seasons and bag limits apply

### 2. Marsh WMA

(a) All visitors to Marsh WMA are required to sign in upon entry to the WMA and sign out upon exit from the WMA and provide any additional information requested. No ATVs allowed.

#### (b) Special Hunt Area for Youth and Mobility Impaired Hunters

- (i) No open season except for hunters selected by drawing

- (ii) 1 deer per day, either sex

#### (c) Archery Deer Hunts

- (i) Sept. 15 - Oct. 31

#### (d) Still Gun Hunts for Deer

- (i) Nov. 1 - Nov. 30

#### (e) Still Hog Hunts

- (i) First full week in Mar.

#### (f) Hog Hunts with Dogs

- (i) 3<sup>rd</sup> full week in Mar. and 3<sup>rd</sup> full week in May

#### (g) Raccoon and Opossum Hunts

- (i) Game Zone 4 seasons and bag limits

#### (h) Other Small Game (no fox squirrels)

- (i) Thanksgiving - Mar. 1

- (ii) Game Zone 4 bag limits

#### (i) Quail Hunts

(i) 1<sup>st</sup> Sat. following Thanksgiving, 1<sup>st</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Wed. in Dec., 3<sup>rd</sup> Sat. in Dec., 1<sup>st</sup> and 4<sup>th</sup> Sat. in Jan., 3<sup>rd</sup> Wed. in Jan., 2<sup>nd</sup> Wed. in Feb., 3<sup>rd</sup> Sat. in Feb.

- (ii) Game Zone 4 bag limit.

- (iii) Shooting hours end 30 minutes prior to official sunset.

### 3. Sand Hills State Forest WMA

(a) Hunting by the general public closed during scheduled field trials on the Sand Hills State Forest Special Field Trial Area. Hunting allowed during permitted field trials on the Sand Hills State Forest Special Field Trial Area in compliance with R.123-96. No man drives allowed.

(b) Archery Deer Hunts

(i) Sept. 15 - Oct. 10

(c) Still Gun Hunts for Deer

(i) Oct. 11 - Jan. 1

(d) Small Game

(i) Game Zones 4 seasons and bag limits apply.

4. McBee WMA

(a) All visitors are required to sign in upon entry to the WMA and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.

(b) Archery Deer Hunts

(i) Sept. 15 - Oct. 10

(c) Still Gun Hunts for Deer.

(i) Oct. 11 - Saturday before Thanksgiving

(d) Quail

(i) no open season except hunters selected by drawing. Bag limit 10 birds per hunt party.

(e) Other Small Game (no fox squirrels)

(i) Jan. 15 - Mar. 1

(ii) Game Zone 4 bag limits

5. Pee Dee Station Site WMA

(a) All visitors are required to sign in upon entry to the WMA and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.

(b) Archery Deer Hunts

(i) Sept. 15 - Oct. 31

(c) Primitive Weapons Deer Hunts

(i) Nov. 1 - Nov. 30

(d) Small Game (no fox squirrels)

(i) Thanksgiving Day - Mar. 1

(ii) Game Zone 4 bag limits

6. Woodbury WMA

(a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.

(b) All visitors are required to sign in upon entry and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.

(c) Designated as a Quality Deer Management Area

(d) Archery Deer Hunts

(i) Sept. 15 - Oct. 10

(e) Primitive Weapons Deer Hunts

(i) Oct. 11 - Oct. 20

(f) Still Gun Hunts for Deer

(i) Oct. 21 - Jan. 1

(g) Youth deer hunt with dogs

(i) 3<sup>rd</sup> Sat in Nov. & 2<sup>nd</sup> Sat in Dec.

(ii) Only youth 17 years and younger may carry a gun and must be accompanied by an adult 21 years old or older.

(iii) 1 deer either sex (antler restrictions not applicable for these hunts). Shotguns with buckshot only. Hunters must use individual antlerless tags.

(iv) Hunting may only occur during specified times and at the end of the hunt all guns must be cased and unloaded. Dogs must be caught and removed as soon as the hunt is over.

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(v) Each dog participating in the hunt must be equipped with a working GPS tracking collar, a correction collar, and a name plate with the owner's name and phone number. Dogs must have proof of current rabies vaccination.

(vi) Deer hunting with dogs will occur in designated areas only. All other hunting is closed in designated areas during deer hunt with dogs.

(h) Still Hog Hunts

(i) First full week in Mar.

(i) Hog Hunts with Dogs

(i) 3rd full week in Mar. and 3rd full week in May

(j) Raccoon and opossum

(i) Game Zone 4 seasons and bag limits

(k) Other Small Game (no fox squirrels)

(i) Thanksgiving Day - Mar. 1

(ii) Game Zone 4 bag limits

### 7. Little Pee Dee Complex WMA

(a) Includes Little Pee Dee River HP, Tilghman HP, Dargan HP and Ward HP in Horry and Marion Counties. This also includes the Upper Gunters Island and Huggins tracts in Horry Co. which are part of Dargan HP.

(b) Archery Deer Hunts

(i) Sept. 15 - Oct. 10

(c) Primitive Weapons Deer Hunts

(i) Oct. 11 - Oct. 20.

(d) Still Gun Hunts for Deer

(i) Oct. 21 - Jan. 1.

(e) Still Hog Hunts

(i) First full week in Mar.

(f) Hog Hunts with Dogs

(i) 2nd full week in Mar.

(g) Raccoon and opossum

(i) Game Zone 4 seasons and bag limits

(h) Other Small Game (no fox squirrels)

(i) Thanksgiving Day - Mar. 1

(ii) Game Zone 4 bag limits

(i) Bear Season

(i) October 17 - October 30

### 8. Great Pee Dee Heritage Preserve WMA

(a) All visitors are required to sign in upon entry and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.

(b) For big game hunting, access is restricted from two hours before sunrise to two hours after official sunset.

(c) Archery Deer Hunts

(i) Sept. 15 - Oct. 31

(d) Still Gun Hunts for Deer

(i) Nov. 1 - Nov. 30

(e) Still Hog Hunts

(i) First full week in March

(f) Hog Hunts with Dogs

(i) 3rd full week in Mar. and 3rd full week in May

(g) Raccoon and opossum

(i) Game Zone 4 seasons and bag limits

(h) Other Small Game (no fox squirrels)

(i) Thanksgiving Day - Mar. 1

(ii) Game Zone 4 bag limits

### 9. Longleaf Pine Heritage Preserve WMA

- (a) Archery Deer Hunts
  - (i) Sept. 15 - Oct. 10
- (b) Still Gun Hunts for Deer
  - (i) Oct. 11 - Jan. 1
- (c) Small Game (no fox squirrels)
  - (i) Thanksgiving Day - Mar. 1
  - (ii) Game Zone 4 bag limits
- 10. Manchester State Forest WMA
  - (a) Archery Deer Hunts
    - (i) September 15 - 30
  - (b) Still Gun Hunts for Deer
    - (i) October 1 January 1 except during scheduled dog drive hunts
    - (ii) No man drives
  - (c) Deer Hunts with Dogs
    - (i) Clubs selected by drawing.
    - (ii) Last Saturday in October, 3rd Friday and Saturday in November, 3<sup>rd</sup> Friday and Saturday in December.
  - (d) Small Game
    - (i) Thanksgiving Day - Mar. 1
    - (ii) Game Zone 4 bag limits
  - (e) Still Gun Hunts for Hogs
    - (i) First full week of March
  - (f) Hog Hunts with Dogs
    - (i) 2nd full week in Mar.
- 11. Lynchburg Savanna Heritage Preserve WMA
  - (a) Small Game Only (no fox squirrels)
    - (i) Game Zone 4 seasons and bag limits
- 12. Hickory Top WMA
  - (a) Data cards required for hunter access. Completed data cards must be returned daily upon leaving. The Greentree Reservoir is open to hunting during the regular Hickory Top seasons during years when the Greentree Reservoir remains unflooded.
  - (b) Archery Deer Hunts
    - (i) Sept. 15 - Oct. 31
  - (c) Primitive Weapons Deer Hunts
    - (i) Nov. 1 - Jan. 1
  - (d) Hog Hunts with Dogs
    - (i) 2nd full week in Mar.
  - (e) Small Game (no fox squirrels)
    - (i) Game Zone 4 seasons and bag limits apply.
- 13. Oak Lea WMA
  - (a) Archery Deer Hunts
    - (i) Sept. 15 - 30
  - (b) Still Gun Hunts for Deer
    - (i) October 1 - January 1 except no deer hunting during scheduled quail hunts
    - (ii) No man drives
  - (c) Small Game (except quail)
    - (i) Thanksgiving Day - Mar. 1 except no other small game hunting during scheduled quail hunts
    - (ii) Game Zone 4 bag limits
  - (d) Quail
    - (i) Saturdays 1<sup>st</sup> Sat. following Thanksgiving, 1<sup>st</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Wed. in Dec., 3<sup>rd</sup> Sat. in Dec., 1<sup>st</sup> and 4<sup>th</sup> Sat. in Jan., 3<sup>rd</sup> Wed. in Jan., 2<sup>nd</sup> Wed. in Feb., 3<sup>rd</sup> Sat. in Feb.
    - (ii) Game Zone 4 bag limits
    - (iii) Shooting hours end 30 minutes prior to official sunset

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### 14. Santee Dam WMA

- (a) Archery Deer Hunts
  - (i) Sept. 15 - Oct. 31
- (b) Primitive Weapons Deer Hunts
  - (i) Nov. 1 - Jan. 1
- (c) Hog Hunts with Dogs
  - (i) 2nd full week in March
- (d) Small Game (no fox squirrels)
  - (i) Jan. 2 - Mar. 1
  - (ii) Game Zone 4 bag limits

### 15. Wee Tee WMA

- (a) Archery Deer Hunts
  - (i) Sept. 15 - Sept. 30
- (b) Still Gun Hunts for Deer
  - (i) Oct. 1 - Jan. 1
- (c) Still Hog Hunts
  - (i) First full week in March
- (d) Hog Hunts with Dogs
  - (i) 2nd full week in March
- (e) Small Game (no fox squirrels, no fox hunting)
  - (i) Thanksgiving Day - Mar. 1
  - (ii) Game Zone 4 bag limits
  - (iii) Dogs allowed during small game gun season only
- (f) Bear Season
  - (i) October 17 - October 30

### 16. Santee Delta WMA

- (a) Archery Deer Hunts
  - (i) Sept. 15 - Oct. 10
- (b) Hog Hunts with Dogs
  - (i) 2nd full week in Mar.
- (c) No small game hunting

### 17. Samworth WMA

- (a) Archery Deer Hunts (impoundments only)
  - (i) Sept. 15 - Oct. 10
- (b) Hog Hunts with Dogs
  - (i) 2nd full week of Mar. (impoundments only)
- (c) No small game hunting except dove hunting during scheduled dove hunts

### 18. Cartwheel Bay Heritage Preserve WMA

- (a) Archery Deer Hunts
  - (i) Sept. 15 - Jan. 1
- (b) Small Game (no fox squirrels)
  - (i) Thanksgiving Day - Mar. 1
  - (ii) Game Zone 4 bag limits
- (c) Bear Season
  - (i) October 17 - October 30

### 19. Lewis Ocean Bay Heritage Preserve WMA

- (a) All deer hunters must sign in and sign out daily and record harvest at the kiosk.
- (b) Archery Deer Hunts
  - (i) Sept. 15 - Oct. 10
- (c) Primitive Weapons Deer Hunts
  - (i) Oct. 11 - Oct. 20
- (d) Still Gun Hunts for Deer
  - (i) Oct. 21 - Jan. 1.

- (e) Small Game (no fox squirrels).
  - (i) Thanksgiving Day - Mar. 1
  - (ii) Game Zone 4 bag limits
- (f) Bear Season
  - (i) October 17 - October 30
- 20. Waccamaw River Heritage Preserve WMA
  - (a) Archery Deer Hunts
    - (i) Sept. 15 - Oct. 10
  - (b) Primitive Weapons Deer Hunts
    - (i) Oct. 11 - Oct. 20
  - (c) Still Gun Hunts for Deer
    - (i) Oct. 21 - Jan. 1
  - (d) Still Hog Hunts
    - (i) First full week in March
  - (e) Hog Hunts with Dogs
    - (i) 2nd full week in Mar.
  - (f) Small Game (no fox squirrels)
    - (i) Thanksgiving Day - Mar. 1
    - (ii) Game Zone 4 bag limits
  - (g) Bear Season
    - (i) October 17 - October 30
- 21. Liberty Hill WMA
  - (a) Hunting on Sundays will be allowed for all species beginning October 15 and continuing through the last day of January subject to seasons and bag limits as specified below.
  - (b) All visitors entering by vehicle are required to sign in upon entry to the WMA and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk, No ATVs allowed.
  - (c) Designated as a Quality Deer Management Area
  - (d) Archery Hunts for Deer
    - (i) Sept. 15 - Sept. 30
  - (e) Primitive Weapons for Deer
    - (i) Oct. 1 - Oct. 10
  - (f) Still Gun Hunts for Deer
    - (i) Oct. 11 - Jan. 1
  - (g) Small Game (No fox squirrels)
    - (i) Zone 4 seasons and bag limits apply.
- 22. Santee Island WMA
  - (a) Archery Deer Hunts
    - (i) Sept. 15 – Jan. 1
  - (b) Small Game (no fox squirrels)
    - (i) Thanksgiving Day - Mar. 1
    - (ii) Game Zone 4 bag limits.
  - (c) Still Hunts for Hogs
    - (i) First full week in March
- 23. Ramsey Grove WMA
  - (a) Still Hunts for Deer
    - (i) Hunters selected by drawing
    - (ii) 3 deer, either sex but only 1 buck
- 24. Bobwhite Hills WMA
  - (a) All visitors are required to sign in upon entry to the WMA and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.
  - (b) Archery Deer Hunts
    - (i) Sept. 15 - Oct. 10
  - (c) Still Gun Hunts for Deer.

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- (i) Oct. 11 - Saturday before Thanksgiving
- (d) Quail
  - (i) no open season except hunters selected by drawing. Bag limit 10 birds per hunt party.
- (e) Other Small Game (no fox squirrels)
  - (i) Jan. 15 - Mar. 1
  - (ii) Game Zone 4 bag limits

### GENERAL REGULATIONS

2.1 Except as provided in these regulations, no person may hunt or take wildlife on areas designated by the South Carolina Department of Natural Resources (SCDNR) as Wildlife Management Area (WMA) lands.

2.2 Entry onto WMA land is done wholly and completely at the risk of the individual. Neither the landowners nor the State of South Carolina nor the South Carolina Department of Natural Resources accepts any responsibility for acts, omissions, or activities or conditions on these lands which cause personal injury or property damage.

2.3 Entry onto WMA land constitutes consent to an inspection and search of the person, game bag or creel.

2.4 No person may hunt or take wildlife on WMA land unless an individual is in possession of a valid South Carolina license, a valid WMA permit, and other applicable federal or state permits, stamps or licenses.

2.5 No Sunday hunting is permitted on any WMA lands unless otherwise specified.

2.6 On all WMA lands, baiting or hunting over a baited area is prohibited. As used in this section, "bait" or "baiting" means the placing, depositing, exposing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain or other food stuffs to constitute an attraction, lure, or enticement to, on, or over any area. "Baited area" means an area where bait is directly or indirectly placed, deposited, exposed, distributed, or scattered and the area remains a baited area for ten (10) days following the complete removal of all bait. Salt/minerals are not considered bait.

2.7 On WMA lands, construction or use of tree stands is prohibited if the tree stand is constructed by driving nails or other devices into trees or if wire is wrapped around trees. Other tree stands are permitted provided they are not permanently affixed or embedded in the tree. Excluding deer stands erected by the Department on WMA lands for the purpose of special hunts, no deer stands or temporary climbing devices may be placed on WMA lands prior to August 10 in any given year and must be removed by January 15 of the succeeding calendar year. All deer stands and temporary climbing devices must be labeled with the DNR Customer ID number of the person responsible for the stand or climbing device in a conspicuous location using an identification tag, etching, or permanent marker.

2.8 On WMA lands, any hunter younger than sixteen (16) years of age must be accompanied by an adult (21 years or older). Sight and voice contact must be maintained.

2.9 Notwithstanding any other provision of these regulations, the Department may permit special hunts on any day during the regular hunting season.

2.10 No person may release or attempt to release any animal onto WMA lands without approval from the Department. This regulation does not apply on designated Public Bird Dog Training Areas where pen raised quail and pigeons may be released.

2.11 While participating in a hunt on WMAs, no person may possess, consume or be under the influence of intoxicants, including beer, wine, liquor or drugs.

2.12 On WMA lands, during the designated statewide youth deer hunt day, only still hunting is allowed. The limit is two deer total, either sex. Tags are not required.

2.13 Taking or destroying timber, other forest products or cutting firewood on WMA lands without written permission from the landowner or his agent is prohibited. Users of WMA lands are prohibited from planting, attempting to plant, burning or otherwise attempting to manipulate crops, natural vegetation or openings without written permission from the landowner or his agent.

2.14 On WMA lands, hunting armadillos and coyotes at night is prohibited. Armadillos and coyotes may be hunted during any open season for game during daylight hours with no bag limit. Weapon(s) used to hunt armadillos and coyotes are limited to the weapon(s) that are allowed for the current open season on WMA.

2.15 On WMA lands during special designated hunts, a WMA may be closed to other public access.

2.16 Still hunting for hogs is permitted on WMAs during any open season for game during daylight hours with only the weapons allowed during the hunting season in progress unless otherwise prohibited. No hog may be transported alive from a WMA. Hogs may not be hunted at night. There is no bag limit on hogs. Hunters must wear a hat, coat, or vest of solid international orange while hog hunting. Buckshot is prohibited. During hog hunts with dogs, no still or stalk hunting is allowed and only handguns are permitted. No hog hunting with dogs is allowed except during special designated seasons. During firearms seasons for deer, hog hunters possessing big game weapons must possess licenses, permits, and tags applicable to deer hunting. Big game weapons include centerfire weapons, archery equipment with broad heads, shot larger than No. 2, and muzzle loading shotguns (larger than 20 gauge) and rifles/muskets (.36 caliber or greater).

2.17 Unless otherwise specified, small game hunting seasons and bag limits on WMA lands are the same as Game Zone seasons and bag limits except no hunting before Sept. 1 or after Mar. 1. The season for hunting beavers on WMA lands shall be October 1 through March 1.

## WEAPONS

3.1 On WMA lands hunters may use any shotgun, rifle, bow and arrow, crossbow or hand gun except that specific weapons may be prohibited on certain hunts. Blow guns, dart guns, drugged arrows or arrows with exploding tips are not permitted. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22 rimfire or smaller rifles/handguns or primitive muzzle loading rifles/muskets of .40 caliber or smaller. Small game hunters may not possess or use buckshot, slugs or shot larger than No. 2. Small game hunters using archery equipment may use small game tips or broadheads on the arrows.

3.2 For Special Primitive Weapons Seasons, primitive weapons include bow and arrow, crossbow and muzzle loading shotguns (20 gauge or larger) and rifles/muskets (.36 caliber or larger) with open or peep sights or scopes, which use black powder or a black powder substitute. There are no restrictions on ignition systems. During primitive weapons season, no revolving rifles are permitted.

3.3 On WMA lands big game hunters are not allowed to use armor piercing, tracer, incendiary, or full metal jacket bullets or .22 or smaller rimfire. Buckshot is prohibited during still gun hunts for deer on WMA lands in Game Zones 3 & 4.

3.4 On WMAs all firearms transported in vehicles must be unloaded and secured in a weapons case, or in the trunk of a vehicle or in a locked toolbox. On the Francis Marion Hunt Unit during deer hunts with dogs, loaded shotguns may be transported in vehicles. Any shotgun, centerfire rifle, rimfire rifle or pistol with a shell in the chamber or magazine, or a muzzleloader with a cap on the nipple or a flintlock with powder in the flash pan is considered loaded.

3.5 No target practice is permitted on WMA lands except in specifically designated areas.

3.6 On WMA lands during gun hunts for deer or hogs there shall be no hunting or shooting from, on or across any road open to vehicle traffic. During any deer or hog hunt there shall be no open season for hunting on any designated recreational trail on U.S. Forest Service or S.C. Public Service Authority property.

## DEER

4.1 On WMA lands with designated check stations, all deer bagged must be checked at a check station as required.

4.2 Unless otherwise specified by the Department, only antlered deer may be taken on all WMA lands. Deer with visible antlers of less than two (2) inches above the hairline are considered antlerless deer and must be tagged with an antlerless deer tag issued by the Department. A point is any projection at least one inch long and longer than wide at some location at least one inch from the tip of the projection.

4.3 On WMA lands, man drives for deer are permitted between 10:00 a.m. and 2:00 p.m. only. A man drive is defined as an organized hunting technique involving two (2) or more individuals whereby an attempt is made to drive game animals from cover or habitat for the purpose of shooting, killing, or moving such animals toward other hunters. On WMA lands, drivers participating in man drives are prohibited from carrying or using weapons.

4.4 For all WMAs combined statewide, the limit for all seasons and methods combined is two deer per day, 5 deer total, no more than two antlered bucks, unless otherwise specified. For WMAs in Game Zone 1, the limit for antlerless deer for all seasons and methods combined is 3. Antlerless deer limit is two deer per day, unless



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otherwise specified. On special mobility impaired and youth deer hunts sanctioned by the Department and during the statewide youth deer hunt day prescribed by the Department, participants may take two deer total, either sex.

4.5 Individual Antlerless Deer Tags are valid in Game Zone 1 beginning Oct. 1 and in Game Zones 2, 3 & 4 beginning Sept. 15. For all WMAs combined, a maximum of 5 individual antlerless deer tags may be used during primitive weapons or still gun deer seasons in all Game Zones except three individual antlerless deer tags may be used in Game Zone 1. Tags do not alter the daily (2 per day) or seasonal limit or change the type of weapons that can be used during special weapons seasons.

4.6 All deer must be tagged immediately after harvest as prescribed by the Department and before being moved from the point of kill and the tag must be validated as prescribed by the Department. A valid tag must remain attached until the deer or carcass is quartered or received by a processor.

4.7 For WMAs designated as Quality Deer Management Areas, all antlered bucks must have a minimum 4 points on one side or a minimum 12 inch inside antler spread except during designated special youth hunts. Inside antler spread is measured at a right angle to centerline of the skull at its widest point between the main beams.

4.8 On WMA lands, deer, hogs, or bear may not be hunted with a firearm within 300 yards of a residence.

### DOGS

5.1 On all WMA lands, dogs may be used for small game hunting unless otherwise specified.

5.2 Dogs may be trained for quail, rabbit and squirrel hunting from Sept. 1-14 (no guns), except on designated Public Bird Dog Training Areas where bird dog training is allowed from September 15 to March 15 (Sundays excluded).

5.3 On WMA lands, dogs may be used for hunting foxes, raccoons, bobcats or opossums only between thirty (30) minutes after official sunset and 30 minutes before official sunrise.

5.4 Unless otherwise specified, deer hunting with dogs on WMA lands is prohibited. The Department may permit deer hunting with dogs on WMA lands not located in Game Zones 1 and 2. For the purposes of tracking a wounded deer, a hunter may use one dog which is kept on a leash.

5.5 Dogs may be used to hunt bear on WMA lands in Game Zone 1 during the special party dog bear season.

5.6 On WMA lands, dogs may be used to hunt hogs only during special designated hog hunts with dogs.

### VEHICLES

6.1 On all WMA lands, no hunter may shoot from a vehicle unless permitted by the Department.

6.2 On WMA lands, motor driven land conveyances must be operated only on designated roads or trails. Unless otherwise specified, roads or trails which are closed by barricades and/or signs, either permanently or temporarily, are off limits to motor driven land conveyances.

6.3 A person may not obstruct or cause to be obstructed travel routes on WMA lands.

### VISIBLE COLOR CLOTHING

7.1 On all WMA lands during any gun and muzzleloader hunting seasons for deer, bear and hogs, all hunters including small game hunters must wear either a hat, coat, or vest of solid visible international orange. Archery hunters during archery only deer seasons and hunters for dove, turkey, ducks, geese and other hunted migratory birds including crows are exempt from this requirement while hunting for those species.

### CAMPING

8.1 Camping is not permitted on WMA lands except in designated camp sites.

### TRAPPING

9.1 Trapping on WMA lands is not permitted.

## WATERFOWL &amp; DOVE REGULATIONS

10.1 Unless specially designated by the Department as a Wildlife Management Area for Waterfowl or a Wildlife Management Area for Dove, all Wildlife Management Areas are open during the regular season for hunting and taking of migratory birds except where restricted.

10.2 The Department may designate sections of Wildlife Management Areas and other lands and waters under the control of the Department as Waterfowl Management Areas or Public Dove Fields. All laws and regulations governing Wildlife Management Areas apply to these special areas. In addition, the following regulations apply to all designated Public Dove Fields: (1) Entry by hunters is prohibited before 12:00 pm on scheduled hunt dates unless otherwise specified by the Department; (2) Hunters are limited to possession of and use of a maximum of 50 shells; and, (3) Shooting hours end at 6:00 pm during the first segment of the statewide dove season. All State and Federal migratory bird laws and regulations apply. A list of Public Dove Fields including locations, hunt dates, and shooting hours will be published annually by the Department.

10.3 On areas where blinds are not provided, only portable blinds which are removed at the conclusion of the hunt or temporary blinds of native vegetation may be used. Temporary blinds once vacated may be used by other hunters.

10.4 On Waterfowl Management Areas, no species other than waterfowl may be taken during waterfowl hunts. On Public Dove Fields no species other than doves and pigeons may be taken during dove hunts. No species other than doves and pigeons may be hunted at Lake Wallace at any time.

10.5 No fishing is permitted in any Category I Designated Waterfowl Area during scheduled waterfowl hunts.

10.6 The Bordeaux Work Center Area is closed to hunting except for special hunts as designated by the SCDNR.

10.7 Impoundments on Bear Island, Beaverdam Creek, Bonneau Ferry, Broad River, Clemson, Coosawhatchie, Donnelley, Samworth, Sandy Beach, Santee Coastal Reserve, Santee Cooper, Wateree River, and Santee Delta WMAs are closed to all public access during the period Nov. 1 - Feb. 8 except during special hunts designated by the Department. All public access during the period Feb. 9 - Oct. 31 is limited to designated areas. On Bear Island WMA, Mathews' Canal is closed to all hunting from Nov. 1 - Feb. 15 beyond a point 0.8 mile from the confluence of Mathews' Canal with the South Edisto River.

10.8 Potato Creek Hatchery Waterfowl Area is closed to hunting access and fishing during the period one week prior to and two weeks after the Federal waterfowl season except for scheduled waterfowl hunts. All hunters must enter and leave the Potato Creek Hatchery Waterfowl Area through the designated public landing on secondary road 260 and complete a data card and deposit card in receptacle prior to leaving the area. No airboats are allowed for hunting or fishing and no hunting from secondary road 260.

10.9 On Hatchery WMA, hunters must leave the area by 1 PM, except on the last Saturday of the waterfowl season when hunters may hunt until sunset. Each hunter is limited to twenty five Federally approved nontoxic shot shells per hunt. No airboats are allowed in the Hatchery WMA for hunting or fishing during the period Nov. 15 - Jan. 31. No fishing allowed during scheduled waterfowl hunts.

10.10 On Crackerneck WMA, waterfowl may be hunted only on Fri., Sat. and Thanksgiving Day within the regular migratory bird seasons and no hunting on Dec. 25; Fant's Grove WMA is open AM only on Wednesdays and Saturdays during the regular migratory bird seasons; Palachucola WMA, Tillman Sand Ridge WMA, Hamilton Ridge WMA and Webb WMA are open AM only for waterfowl hunting during the regular migratory bird seasons only on days when small game hunting is allowed and the entire week of Thanksgiving, Sundays excluded.

10.11 Category I Designated Waterfowl Areas include Beaverdam, Bonneau Ferry, Broad River, Clemson, Sandy Beach, Samworth, Santee Coastal Reserve, Ramsey Grove, Santee Delta, Tibwin, Bear Island, Wateree River Heritage Preserve, portions of Coosawhatchie and portions of Donnelley Wildlife Management Areas. Hunting in Category I Designated Waterfowl Areas is by special permit obtained through annual computer drawing.

10.12 Category II Designated Waterfowl Areas include Biedler Impoundment, Carr Creek (bounded by Samworth WMA), Little Carr Creek (bounded by Samworth WMA), Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Hickory Top Greentree Reservoir, Lancaster Reservoir, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Potato Creek Hatchery, Sampson

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Island Unit (Bear Island), Tyger River, Marsh, Wee Tee, Woodbury, Ditch Pond, Waccamaw River Heritage Preserve, Francis Marion National Forest, Sumter National Forest, Santee Cooper, Santee Island, portions of Coosawhatchie, portions of Donnelley, and 40 Acre Rock Waterfowl Management Areas. Hunting on Category II Waterfowl Management Areas is in accordance with scheduled dates and times.

1. Biedler Impoundment
  - (a) Sat. AM only during regular season
  - (b) State bag limits
2. Bear Island
  - (a) Hunters selected by drawing during regular seas
  - (b) State bag limits
3. Beaverdam
  - (a) Hunters selected by drawing during regular season
  - (b) State bag limits
4. Bonneau Ferry
  - (a) Hunters selected by drawing during regular season
  - (b) State bag limits
5. Broad River
  - (a) Hunters selected by drawing during regular season
  - (b) State bag limits
6. Carr Creek (bounded by Samworth WMA, no hunting in impoundments)
  - (a) Wed. and Sat. AM only during regular season
  - (b) State bag limits
7. Little Carr Creek (bounded by Samworth WMA, no hunting in impoundments)
  - (a) Wed. and Sat. AM only during regular season
  - (b) State bag limits
8. Clemson
  - (a) Hunters selected by drawing during regular season
  - (b) State bag limits
9. Ditch Pond
  - (a) Wed. AM only during regular season
  - (b) State bag limits
10. Donnelley
  - (a) Category I Area - Hunters selected by drawing during regular season
  - (b) Category II Area - Wed. AM only during specified dates.
  - (c) State bag limits
11. Dunaway
  - (a) Sat. AM only during regular season
  - (b) State bag limits
12. Duncan Creek
  - (a) Sat. AM only during regular season
  - (b) State bag limits
13. Dungannon
  - (a) Wed. AM only during regular season
  - (b) State bag limits
  - (c) No hunting from the Boardwalk
14. Enoree River
  - (a) Sat. AM only during regular season
  - (b) State bag limits
15. Hatchery
  - (a) Sat. AM only and until sunset on the last Sat. of the regular waterfowl season
  - (b) State bag limits
16. Hickory Top
  - (a) Mon. through Sat. during regular season

- (b) State bag limits
- 17. Hickory Top Greentree Reservoir
  - (a) Sat. AM only during regular season
  - (b) State bag limits
  - (c) No hunting from roads and dikes
- 18. Lake Cunningham
  - (a) Wed. AM only during the regular season
  - (b) State bag limits
- 19. Lancaster Reservoir
  - (a) Mon. and Fri. AM only during the regular season
  - (b) State bag limits
- 20. Marsh
  - (a) Fri. and Sat. AM only during regular season
  - (b) State bag limits
- 21. Monticello Reservoir
  - (a) Mon. through Sat. AM only during regular season
  - (b) State bag limits
- 22. Moultrie
  - (a) Mon. through Sat. during regular season
  - (b) State bag limits
- 23. Parr Reservoir
  - (a) Mon. through Sat. during regular season
  - (b) State bag limits
- 24. Potato Creek Hatchery
  - (a) Fri. and Sat. only during regular season
  - (b) State bag limits
- 25. Russell Creek
  - (a) Wed. and Sat. AM only during regular season
  - (b) State bag limits
- 26. Sampson Island Unit (Bear Island)
  - (a) Wed. and Sat. AM only during the regular season
  - (b) State bag limits
- 27. Samworth
  - (a) Hunters selected by drawing during regular season
  - (b) State bag limits
- 28. Sandy Beach
  - (a) Hunters selected by drawing during regular season
  - (b) State bag limits
- 29. Santee Coastal Reserve
  - (a) Hunters selected by drawing during regular season
  - (b) State bag limits
- 30. Santee Cooper
  - (a) Sat. AM only during regular season
  - (b) State bag limits
- 31. Santee Delta
  - (a) Hunters selected by drawing during regular season
  - (b) State bag limits
- 32. Tibwin
  - (a) Special hunts by drawing during regular season
  - (b) State bag limits
- 33. Turtle Island
  - (a) Fri. and Sat. AM only during regular season
  - (b) State bag limits

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- 34. Tyger River
  - (a) Sat. AM only during regular season
  - (b) State bag limits
- 35. Wee Tee
  - (a) Fri. and Sat. AM only during regular season
  - (b) State bag limits
- 36. Woodbury
  - (a) Fri. and Sat. AM only during regular season
  - (b) State bag limits
- 37. Great Pee Dee
  - (a) Sat. AM only during regular season
  - (b) State bag limits
- 38. Little Pee Dee River Complex
  - (a) Fri. and Sat. AM only during regular season
  - (b) State bag limits
- 39. Waccamaw River HP
  - (a) Fri. and Sat. AM only during regular season
  - (b) State bag limits
- 40. 40 acre Rock
  - (a) Sat. AM only during regular season
  - (b) State bag limits
- 41. Wateree River HP
  - (a) Hunters selected by drawing during regular season
  - (b) State bag limits
- 42. Sumter National Forest
  - (a) Wednesday and Saturday mornings only during regular season
  - (b) State bag limits
- 43. Ramsey Grove WMA
  - (a) No waterfowl hunting except for youth or mobility impaired hunts as approved by the Department
  - (b) State bag limits
- 44. Francis Marion National Forest
  - (a) Monday thru Saturday during regular season
  - (b) State bag limits
- 45. Coosawhatchie WMA
  - (a) Category II area - Wednesday and Saturday mornings only during regular waterfowl season beginning after the last lottery hunt in December
  - (b) Category I area - Hunters selected by drawing during regular season
  - (c) State bag limits
- 46. Santee Island
  - (a) Monday thru Saturday during regular season
  - (b) State bag limits

10.13 On Hickory Top WMA public waterfowl hunting without a Wildlife Management Area (WMA) permit is allowed on all land and water below 76.8'. Waterfowl hunting at or above elevation 76.8' requires a WMA permit. A WMA permit is required for waterfowl hunting in the Hickory Top Greentree Reservoir.

10.14 Public Dove Fields include all areas as published by the Department in the annual Laws and Regulations Guide or succeeding similar publications.

10.15 Hickory Top Greentree Reservoir is closed to hunting access November 1 until March 1, except for special hunts designated by SCDNR. All hunters must accurately complete a data card and deposit card in receptacle prior to leaving the area. Hunting hours are from 30 minutes before legal sunrise until 11:00 am. Hunters may not enter the area prior to 5:00 am on hunt days. No open season on roads and dikes. Hunters may only use electric motors on boats.

10.16 On all State owned, US Forest Service and other Federally owned Category I and II Waterfowl Management Areas each hunter is limited to 25 Federally approved non toxic shells per hunt.

10.17 On Enoree River, Dunaway, Duncan Creek, Russell Creek and Tyger River Waterfowl Areas data cards are required for hunter access during scheduled waterfowl hunts. Completed data cards must be returned daily upon leaving each of these areas.

10.18 Woodbury Waterfowl Management Area includes all SCDNR owned property south of US Hwy 378 and bounded on the west by the Great Pee Dee River and Bluff Road and to the east by the Little Pee Dee River except no waterfowl hunting allowed in the area known as Hass Pond that is bounded on all sides by Hass Pond Road.

10.19 Donnelley Wildlife Management Area Category II Waterfowl Area is open Wednesday mornings only during the November thru January regular waterfowl season. The Category II area is defined as all wetlands east of Donnelley Drive and Blocker Run Road except those areas south of Blocker Run Road between Stocks Creek Road and the intersection of Mary's Island Road and the property boundary. No trailered boats and no electric or gas motors allowed. No entry before 5:00 AM and all users must sign in and sign out at designated check stations. No hunting is allowed from the dikes.

10.20 Coosawhatchie Category I waterfowl area is marked with signage prohibiting public access Nov 1 - Feb 8. Hunting is by special permit only obtained by annual computer drawing. Remainder of the property is considered Category II and is open on specified dates.

## AMPHIBIANS AND REPTILES

11.1 Taking of any amphibian or reptile, except the bullfrog, is prohibited on any Department owned Wildlife Management Areas without written permission of the Department.

## PUBLIC BIRD DOG TRAINING AREAS

12.1 The Department may establish Public Bird Dog Training Areas on Wildlife Management Area lands. A valid hunting license and WMA permit is required to train bird dogs on these lands.

12.2 It shall be unlawful to take game by any means while training bird dogs, except during the lawful open seasons for such game; provided, however, that pen raised quail or pigeons may be taken at any time on designated Public Bird Dog Training Areas for training bird dogs.

12.3 It shall be unlawful for any person to have in his or her possession any firearms or other equipment for taking game while training bird dogs, provided that handguns with blank ammunition or shot cartridges may be used for training bird dogs, and shotguns with number eight shot or smaller shot may be used while training bird dogs using pen raised quail and pigeons.

12.4 All participants in bird dog training must wear either a hat, coat, or vest of solid visible international orange.

## 123-51. Turkey Hunting Rules and Seasons.

1. Total limit of 2 turkeys statewide per person, 1 per day, gobblers (male turkeys) only. A hunter may take no more than one turkey prior to April 10. Total statewide limit includes turkeys harvested on Wildlife Management Areas (WMAs). Small unnamed WMAs are open for turkey hunting under statewide season and bag limit. Turkey seasons and bag limits for Wildlife Management Area lands are as follows:

### A. Game Zone 1

#### 1. Other WMAs

(a) Apr. 3 - May 3

(b) Bag limit 2 , no more than one may be taken prior to April 10.

### B. Game Zone 2

#### 1. Other WMAs

(a) Apr. 3 - May 3

(b) Bag limit 2 , no more than one may be taken prior to April 10.

#### 2. Keowee WMA

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- (a) Apr. 3 - May 3
- (b) Bag limit 2, no more than one may be taken prior to April 10.
- (c) Shotguns only -north of Hwy 123 and west of the Keowee Arm of Lake Hartwell and west of Hwy 291. Archery only on other sections.

### 3. Draper WMA

- (a) Apr. 3 - May 3
- (b) Bag limit 2, no more than one may be taken prior to April 10.
- (c) Thurs through Sat. only

### 4. Belfast WMA

- (a) Apr. 3 - May 3
- (b) Bag limit 1
- (c) Thurs through Sat. only

### 5. Worth Mountain WMA

- (a) Apr. 3 - May 3
- (b) Bag limit 2, no more than one may be taken prior to April 10.
- (c) Thurs through Sat. only

### 6. McCalla WMA

- (a) Apr. 3 - May 3
- (b) Bag Limit 2, no more than one may be taken prior to April 10.

### 7. Fants Grove WMA

- (a) Apr. 3 - May 3
- (b) Bag Limit 2, no more than one may be taken prior to April 10.

### 8. Liberty Hill WMA

- (a) Apr. 3 - May 3
- (b) Bag Limit 2, no more than one may be taken prior to April 10.

### 9. Delta South WMA

- (a) Apr. 3 - May 3
- (b) Hunters by drawing only

### 10. Forty Acre Rock HP WMA

- (a) Apr. 3 - May 3
- (b) Bag Limit 2, no more than one may be taken prior to April 10.

## C. Game Zone 3

### 1. Other WMAs

- (a) Apr. 3 - May 3
- (b) Bag limit 2 , no more than one may be taken prior to April 10.

### 2. Crackerneck WMA

- (a) Apr. 3 - May 3
- (b) Bag limit 2, no more than one may be taken prior to April 10.
- (c) Fri. and Sat. only
- (d) Sign in and out at the gate required.
- (e) Main gate opens at 4:30 am and closes at 1:00 pm.

### 3. Aiken Gopher Tortoise HP WMA

- (a) Apr. 3 - May 3
- (b) Bag limit 2, no more than one may be taken prior to April 10.

### 4. Francis Marion National Forest

- (a) Apr. 3 - May 3
- (b) Bag limit 2, no more than one may be taken prior to April 10.
- (c) Tibwin Special Use Area
  - (1) Apr. 3 - May 3
  - (2) Bag limit 2, no more than one may be taken prior to April 10.
  - (3) Special hunts for youth or mobility impaired hunters as published by SCDNR.

### 5. Moultrie

- (a) Apr. 3 - May 3

- (b) Bag limit 2, no more than one may be taken prior to April 10.
- (c) Thurs through Sat. only
- (d) Bluefield WMA
  - (1) Apr. 3 - May 3
  - (2) Bag limit 2, no more than one may be taken prior to April 10.
  - (3) Adult/Youth only
- (e) Hall WMA
  - (1) Apr. 3 - May 3
  - (2) Bag limit 2, no more than one may be taken prior to April 10.
- 6. Santee Cooper WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 1
  - (c) Thurs through Sat. only
  - (d) Youth only
- 7. Webb, Palachucola and Hamilton Ridge WMAs
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
  - (c) All hunters must pick up and return data cards at kiosk and display hangtags on vehicles.
- 8. Donnelley WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 1
  - (c) Thurs through Sat. only
- 9. Bonneau Ferry WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 1
  - (c) Thurs through Sat. only
  - (d) Youth only
  - (e) Closed to public access during hunts.
- 10. Santee Coastal Reserve WMA
  - (a) Saturdays only from Apr. 3 - May 3
  - (b) Bag limit 1
- 11. Edisto River WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
  - (c) Thurs through Sat. only
- 12. Tillman Sand Ridge Heritage Preserve WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
  - (c) Thurs through Sat. only
- 13. Victoria Bluff Heritage Preserve WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
  - (c) Thurs through Sat. only
- 14. Botany Bay Plantation WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 1
  - (c) Youth hunting by draw only.
- 15. Wateree River HP WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 1
  - (c) Thurs through Sat. only
- D. Game Zone 4
  - 1. Other WMAs



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- (a) Apr. 3 - May 3
- (b) Bag limit 2 , no more than one may be taken prior to April 10.
- 2. Marsh WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
  - (c) Thurs through Sat. only
  - (d) Sign in and out at the kiosk required.
- 3. Sand Hills State Forest WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
- 4. McBee WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
  - (c) Thurs through Sat. only
- 5. Little Pee Dee Complex WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
  - (c) Thurs through Sat. only
- 6. Pee Dee Station Site WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
  - (c) Thurs through Sat. only
  - (d) All hunters must sign in and sign out at kiosk.
- 7. Woodbury WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
  - (c) Thurs through Sat. only
  - (d) All hunters must sign in and sign out at kiosk.
- 8. Great Pee Dee Heritage Preserve WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
  - (c) Thurs through Sat. only
  - (d) All hunters must sign in and sign out at kiosk.
- 9. Longleaf Pine Heritage Preserve WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
  - (c) Thurs through Sat. only
- 10. Manchester State Forest WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
- 11. Hickory Top WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
- 12. Oak Lea WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
- 13. Santee Dam WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
- 14. Wee Tee WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
- 15. Cartwheel Bay Heritage Preserve WMA

- (a) Apr. 3 - May 3
- (b) Bag limit 2, no more than one may be taken prior to April 10.
- (c) Thurs through Sat. only
- 16. Lewis Ocean Bay Heritage Preserve WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
  - (c) Thurs through Sat. only
- 17. Waccamaw River Heritage Preserve WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 2, no more than one may be taken prior to April 10.
  - (c) Thurs through Sat. only
- 18. Samworth WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 1
  - (c) Youth hunting by draw only.
- 19. Liberty Hill WMA
  - (a) Apr. 3 - May 3
  - (b) Bag Limit 2, no more than one may be taken prior to April 10.
- 20. Bobwhite Hills WMA
  - (a) Apr. 3 - May 3
  - (b) Bag limit 1
  - (c) Thurs through Sat. only
- E. Statewide Turkey Hunting Regulations and Youth Turkey Hunting Day on WMAs
  - 1. The statewide youth turkey hunting day on designated WMA lands shall be the Saturday immediately preceding April 3
    - (a) The daily bag limit during the statewide youth turkey hunting day on WMAs is one (1) which counts toward the season limit.
    - (b) A person less than 18 years of age is considered a youth turkey hunter.
    - (c) Only includes WMAs designated by the Department.
  - 2. The following regulations apply statewide. No turkey hunting permitted on Turkey Restoration Sites which have not been formally opened by the Department.
    - (a) During the spring turkey hunting season, only turkey gobblers (male birds) may be taken.
    - (b) Shotguns, muzzleloader shotguns, or archery equipment are permitted. All other weapons and methods of taking are prohibited including rifles, pistols, buckshot and slugs.
    - (c) Turkeys may not be hunted with dogs.
    - (d) Live decoys are prohibited.
    - (e) A tag issued by the Department must be placed around a harvested bird's leg before the bird is moved from the point of kill and the tag must be validated by the hunter as prescribed by the Department. A valid tag must remain on the carcass until it is processed (cut up).
    - (f) On all WMA lands, it is prohibited to hunt or stalk wild turkeys while holding or using for hunter concealment any of the following items: a tail fan, a partial or full decoy with a tail fan, or a tail fan mounted to a firearm. Tail fans include those made of real or synthetic feathers or an image or likeness of a tail fan applied to any material.
  - 3. Electronic Harvest Reporting of Turkeys on Private and WMA Lands.
    - (a) Methods of electronic harvest reporting include telephone, internet, and mobile device application. Applicable telephone numbers and internet addresses are as posted on the Department's website and in the annual Hunting and Fishing Regulations Guide.
    - (b) Hunters must provide their Department issued Customer Identification Number to access the reporting system and provide the county of kill, whether the property on which the turkey was taken was private or WMA land including the name of the WMA, whether the turkey was an adult gobbler or juvenile (jake), and whether the turkey was taken in the morning or afternoon.
    - (c) As part of the reporting process a Department issued confirmation number will be generated. Hunters must document and maintain this confirmation number as prescribed.

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### **123-53. Bear Hunting Rules and Seasons.**

1. In Game Zone 4, the open season for taking bear in Florence, Georgetown County, Horry County, Marion County and Williamsburg County on private and WMA land for still gun hunts is October 17 - October 30. Bear hunting is allowed on the following WMAs in those counties: Cartwheel Bay Heritage Preserve WMA, Lewis Ocean Bay Heritage Preserve WMA, Little Pee Dee River Heritage Preserve Complex, Waccamaw River Heritage Preserve WMA, and Wee Tee WMA.

2. In Game Zone 2 the open season for taking bear on private land in Spartanburg County and those portions of Anderson, Oconee, Pickens, and Greenville counties south of Game Zone 1 for still gun hunts is October 17 - October 30.

3. Legal weapons for bear hunting on private lands include archery equipment, muzzleloaders (.36 caliber or greater), centerfire rifles, centerfire handguns and shotguns with slugs or buckshot.

4. On WMA lands, weapons used to hunt bear are limited to the weapons that are allowed for the current open season for deer on each WMA.

5. Harvested bear must be reported to SCDNR by midnight of the day of harvest as prescribed by the Department.

6. All harvested bears must be tagged immediately after harvest and before being moved from the point of kill and the tag must be validated as prescribed by the SCDNR.

7. The harvest quota for areas open in Game Zone 4 is 40 bears for all counties and WMAs combined. The harvest quota for areas open in Game Zone 2 is 20 bears for all counties combined. If the bear quota is met in a Game Zone prior to October 30, the season will close in that Game Zone 24 hours following a season closure notice. Hunters are responsible for monitoring the season status as prescribed by the Department.

### **Fiscal Impact Statement:**

The amendment of Regulations 123-40, 123-51, and 123-53 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

### **Statement of Rationale:**

Rationale for the formulation of these regulations is based on over 75 years of experience by SCDNR in managing wildlife populations and establishing public hunting areas. Management objectives for specific properties and species are continually evaluated for needed changes. Contractual agreements with cooperating landowners in the Wildlife Management Area Program provide guidelines for the use and management of the properties. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

Document No. 5341  
**DEPARTMENT OF PUBLIC HEALTH**  
**CHAPTER 60**

Statutory Authority: 1976 Code Section 30-4-45 and 2023 Act No. 60, effective July 1, 2024

60-117. Access to Restricted Information. (New)

**Synopsis:**

The Department of Public Health (Department or DPH) proposes a new regulation to establish DPH procedures regarding access to restricted information subject to S.C. Code Section 30-4-45. S.C. Code Section 30-4-45 authorizes DPH to regulate access to information, the unrestricted release of which could increase the risk of acts of terrorism. R.61-117, Access to Restricted Information, was previously promulgated under the S.C. Department of Health and Environmental Control and will remain promulgated under Chapter 61 pursuant to 2023 Act 60, for sole use by the S.C. Department of Environmental Services. DPH proposes promulgating a new regulation with the same content of R.61-117 applicable to DPH to be placed in Chapter 60 for the use of DPH. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed new regulation.

The Department had a Notice of Drafting published in the July 26, 2024, South Carolina State Register.

Section-by-Section Discussion:

| <b>Section</b> | <b>Type of Change</b> | <b>Purpose</b>   |
|----------------|-----------------------|--|
| Section A      | Addition              | Add the purpose and scope of the regulation.                                     |
| Section B      | Addition              | Add definitions.   |
| Section C      | Addition              | Add procedures for the release of restricted information.                        |
| Section D      | Addition              | Add procedures for the disclosure of restricted information in vulnerable zones. |
| Section E      | Addition              | Add the procedures for authorized charges for records.                           |

**Instructions:**

Add R.60-117 in its entirety.

**Text:**

60-117. Access to Restricted Information.

Statutory Authority: 1976 Code Section 30-4-45

A. Purpose and Scope.

This regulation applies to information that has been designated pursuant to S.C. Code Section 30-4-45 for restricted release.

B. Definitions.

1. Department. The Department of Public Health.

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2. Governmental Functions. The official activities of a state, federal, or local governmental entity.

3. Requestor. The individual or entity requesting access to restricted information.

4. Restricted Information. Any information in the possession of the Department that is designated and identified by the Department in the written notification to the Attorney General pursuant to S.C. Code Section 30-4-45.

5. Vulnerable Zone. A circle, the center of which is within the boundaries of a facility possessing hazardous, toxic, flammable, radioactive, or infectious materials subject to S.C. Code Section 30-4-45 and the radius of which is that distance a hazardous, toxic, flammable, radioactive, or infectious cloud, overpressure, radiation, or radiant heat would travel before dissipating to the point it no longer threatens serious short-term harm to people or the environment.

### C. Release of Restricted Information.

1. Restricted Information, if not otherwise exempt from disclosure pursuant to applicable law, may be released to state, federal, and local authorities as required to carry out official governmental functions, as follows:

a. The requestor must appear in person at the Department's headquarters and must sign a register and show photographic identification issued by a state, federal or local government agency; and

b. The requestor must provide a written statement that: describes the intended use of the restricted information being requested; describes the format and medium for access to the requested information; attests that the requested information will be for official use only; and certifies that the requested information will not be released further except as required to carry out official governmental functions and in accordance with S.C. Code Section 30-4-40(c).

2. The requestor may review the restricted information at the Department's headquarters or other location designated by the Department and will not be provided with copies or be allowed to make written notes, copies, scans, photographs, or otherwise reproduce the information.

### D. Disclosure in Vulnerable Zone.

1. Persons living or working within a vulnerable zone will be provided restricted information as follows:

a. The requestor must provide written verification of the location and address of his/her home or place of business along with a photographic identification.

b. The Department will determine whether the location lies within the vulnerable zone of any facility for which Department records are requested.

c. If the location for which the restricted information is sought does not lie within the vulnerable zone of any facility, the Department will so notify the requestor and will deny the request.

d. If the location lies within the vulnerable zone of any facility or facilities, the requestor will be provided an opportunity to review the restricted information that identifies the facility, shows the vulnerable zone on a local area map, and identifies the nature of the event for which the vulnerable zone was determined.

2. The requestor may review the restricted information at the Department's headquarters or other location designated by the Department and will not be provided with copies or be allowed to make written notes, make copies, scans, photographs, or otherwise reproduce the information.

E. Customary Charges for Copies.

The Department's customary charges authorized in S.C. Code Section 30-4-30 are applicable to requests for release of restricted information covered by this regulation.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

S.C. Code Section 30-4-40 provides that information identified in accordance with the provisions of Section 30-4-45 is exempt from disclosure except as provided therein and pursuant to regulations promulgated in accordance with the Freedom of Information Act.

S.C. Code Section 30-4-45 directs each agency that is the custodian of such information to promulgate regulations establishing procedures for access to restricted information. The regulation is needed to comply with the requirements of the South Carolina Freedom of Information Act as well as to conform to 2023 Act No. 60, establishing DPH and the S.C. Department of Environmental Services as new and separate state agencies.

Document No. 5344

**DEPARTMENT OF PUBLIC HEALTH**  
**CHAPTER 61**

Statutory Authority: 1976 Code Sections 44-75-10 et seq. and 2023 Act No. 77

61-96. Athletic Trainers.

**Synopsis:**

The Department of Public Health ("Department" or "DPH") proposes repeal of R.61-96. In June 2023, the Governor signed into law 2023 Act No. 77 (S.397, R.94), transferring regulatory authority of athletic trainers from the S.C. Department of Health and Environmental Control ("DHEC") to S.C. Department of Labor Licensing and Regulation ("LLR"). Sections 3 and 5 of the Act established that regulations promulgated by DHEC were continued, and LLR would assume licensure of athletic trainers upon the effective date of the new regulations it promulgated. LLR promulgated its regulations which became effective with publication of the May 24, 2024, South Carolina State Register. *See* Document No. 5234. The Department proposes repealing the DHEC regulation, R.61-96.

Repeal of the regulation will have no impact or implications for the current administration and implementation of LLR's athletic trainer licensure program.

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

The Department had a Notice of Drafting published in the July 26, 2024, South Carolina State Register.

**Instructions:**

Repeal R.61-96 in the Code of Regulations.

**Text:**

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61-96. Repealed.

### **Fiscal Impact Statement:**

There are no anticipated new costs associated with the repeal of this regulation to the state or its political subdivisions.

### **Statement of Rationale:**

R.61-96 needs to be repealed as it is obsolete due to repeal of the original authorizing statute (Title 44, Chapter 78) and LLR's promulgation of its athletic trainer regulations. The Department does not propose replacing this regulation with a new regulation. In accordance with applicable statutes, LLR has implemented its athletic trainer regulatory program.

Document No. 5347

### **DEPARTMENT OF PUBLIC HEALTH**

#### **CHAPTER 60**

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

61-13. Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities.

### **Synopsis:**

Pursuant to R.61-13, *Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities*, the Department of Public Health (Department) establishes and enforces basic standards for the licensure, maintenance, and operation of intermediate care facilities for individuals with intellectual disabilities (ICF/IIDs) to ensure the safe and adequate treatment of persons served in this state. The Department proposes amending R.61-13 to address amendments to S.C. Code Section 40-33-43 (*see* 2022 Act No. 179) which allows the provision of medications to be performed by unlicensed persons with documented medication training and skill competency evaluation in ICF/IIDs. The Department also proposes amending the regulation to update and revise provisions regarding staffing, individual program plans, reporting requirements, clients' rights and assurances, emergency procedures and disaster preparedness, meal service, and the manner and method of fee payments. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the July 26, 2024, South Carolina State Register.

Changes made at the request of the House of Representatives Regulations, Administrative Procedures, Artificial Intelligence and Cybersecurity Committee by letter dated April 9, 2025.

Section 1206.B – Amended proposed revisions to Medication Storage to clarify use of digital or automated temperature monitoring systems.

### **Instructions:**

Replace R.61-13 in its entirety with this amendment.

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

| Section   | Type of Change                               | Purpose   |
|---|--|---|
| <b>Regulation Number, Regulation Title, and Statutory Authority</b> | Technical Correction                         | Assigned a regulation number and title and established the Department's statutory authority.                        |
| <b>Table of Contents</b>  | Revision/Reorganization/Technical Correction | Amended language and sections to reflect technical corrections and reorganization proposed in regulation text.      |
| <b>100.E</b>  | Revision/Technical Correction                | Amended language for clarity and consistency.   |
| <b>100.F</b>  | Addition                                     | Added definition for clarity.   |
| <b>100.G</b>  | Reorganization                               | Recodified due to the addition of 100.F.  |
| <b>100.H</b>  | Reorganization                               | Recodified due to the addition of 100.F.  |
| <b>100.I</b>  | Revision/Reorganization                      | Amended to correct state agency reference and recodified due to the addition of 100.F.                              |
| <b>100.J</b>  | Addition/Deletion                            | Added definition for clarity and deleted former 100.I.  |
| <b>100.K</b>  | Reorganization                               | Recodified due to the addition of 100.J.  |
| <b>100.L</b>  | Revision/Reorganization                      | Revised language for clarity and consistency. Recodified due to the addition of 100.J.                              |
| <b>100.M</b>  | Reorganization                               | Recodified due to the addition of 100.J.  |
| <b>100.N</b>  | Reorganization                               | Recodified due to the addition of 100.J.  |
| <b>100.O</b>  | Reorganization                               | Recodified due to the addition of 100.J.  |
| <b>100.P</b>  | Reorganization                               | Recodified due to the addition of 100.J.  |
| <b>100.Q</b>  | Reorganization                               | Recodified due to the addition of 100.J.  |
| <b>100.R</b>  | Reorganization                               | Recodified due to the addition of 100.J.  |
| <b>100.S</b>  | Reorganization                               | Recodified due to the addition of 100.J.  |
| <b>100.T.2</b>  | Revision/Reorganization                      | Revised language for clarity and consistency with 42 C.F.R. 483.430(b)(5). Recodified due to the addition of 100.J. |
| <b>100.U</b>  | Reorganization                               | Recodified due to the addition of 100.J.  |
| <b>201.A</b>  | Revision                                     | Added language to clarify the scope of licensure.   |
| <b>201.E</b>  | Addition                                     | Added language to clarify the scope of licensure.   |



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|                |                                     |   |
|----------------|-------------------------------------|---|
| <b>202</b>     | Revision                            | Amended language to clarify the method of fee payment for license applications.                                 |
| <b>205</b>     | Revision/Deletion                   | Deleted language specifying method of fee payment for initial issuance of licenses.                             |
| <b>206</b>     | Addition                            | Added requirement for licensing late fees.  |
| <b>207</b>     | Revision/Reorganization             | Amended language to clarify amended license. Recodified due to the addition of 206.                             |
| <b>207.A</b>   | Revision                            | Amended to delete and add language for clarification.   |
| <b>207.B</b>   | Technical Correction/Reorganization | Amended language due to the deletion of 207.C.  |
| <b>207.C</b>   | Revision/Deletion                   | Amended to add language for clarification. Recodified due to the deletion of 207.C.                             |
| <b>208</b>     | Addition                            | Added language to clarify change of licensee.   |
| <b>208.A</b>   | Addition                            | Added language to clarify change in controlling interest.   |
| <b>208.B</b>   | Addition                            | Added language to clarify change of legal entity.   |
| <b>209</b>     | Reorganization                      | Recodified due to the addition of 208.  |
| <b>210</b>     | Revision/Reorganization             | Amended language for clarification; added provision regarding variances. Recodified due to the addition of 208. |
| <b>302.E</b>   | Revision                            | Amended to clarify initial and routine inspection fees.   |
| <b>302.F</b>   | Addition/Technical Correction       | Amended to clarify inspection fees during the construction phase of any project. Amended to correct spacing.    |
| <b>400</b>     | Technical Correction                | Amended to correct spacing.   |
| <b>402.C</b>   | Technical Correction                | Amended each instance of “these regulations” to “this regulation” for clarity and consistency.                  |
| <b>402.F</b>   | Technical Correction                | Amended to correct spacing.   |
| <b>602.F</b>   | Technical Correction                | Amended to correct grammar.   |
| <b>604.C</b>   | Revision                            | Amended to clarify staffing requirements in residential living units.   |
| <b>604.C.1</b> | Addition                            | Added language to clarify staffing requirements in residential living units per the CFR.                        |
| <b>604.C.2</b> | Addition                            | Added language to clarify staffing requirements in  |

|                             |                               |   |
|-----------------------------|-------------------------------|---|
|                             |                               | residential living units per the CFR.   |
| <b>604.C.3</b>              | Addition                      | Added language to clarify staffing requirements in residential living units per the CFR.      |
| <b>605.L</b>                | Addition                      | Added language to clarify medication management.  |
| <b>605.M</b>                | Reorganization                | Recodified due to the addition of 605.L.  |
| <b>605.N</b>                | Reorganization                | Recodified due to the addition of 605.L.  |
| <b>701.B</b>                | Technical Correction          | Amended to correct punctuation.   |
| <b>701.B.5</b>              | Revision                      | Amended to clarify language regarding reportables.  |
| <b>701.B.9</b>              | Revision                      | Amended to clarify language regarding reportables.  |
| <b>701.C</b>                | Revision                      | Amended to clarify reporting methods for accidents and incidents.                             |
| <b>701.D</b>                | Revision                      | Amended to clarify timely reporting methods for accidents and incidents.                      |
| <b>703.A</b>                | Technical Correction          | Amended for code reference clarity.   |
| <b>705.B</b>                | Revision                      | Amended to clarify licensing requirements after temporary closures.                           |
| <b>706</b>                  | Revision                      | Amended to clarify licensing requirements after a zero census period.                         |
| <b>707</b>                  | Addition                      | Added language to clarify loss of essential services.   |
| <b>801.B.4</b>              | Revision                      | Amended to move redundant language to 803.  |
| <b>803</b>                  | Revision/Technical Correction | Amended to clarify language regarding development of the IPP. Amended to correct punctuation. |
| <b>1009.D</b>               | Revision                      | Amended to clarify language regarding use of safety restraints in 1009.B and 1009.D.          |
| <b>1100.D.1 – 1100.D.13</b> | Addition                      | Added language to clarify client rights consistent with the CFR.                              |
| <b>1201.B</b>               | Revision/Deletion             | Amended to delete language regarding Physicians' Desk Reference as it is no longer needed.    |
| <b>1203.C</b>               | Technical Correction          | Amended to correct punctuation.   |

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|                    |                      |  |
|--------------------|----------------------|--|
| <b>1203.G</b>      | Revision             | Amended to clarify provision of medications by unlicensed persons.   |
| <b>1203.G.1</b>    | Addition             | Added language to clarify provision of medications by unlicensed persons.  |
| <b>1203.G.2</b>    | Addition             | Added language to clarify training requirements for provision of medications by unlicensed persons.                        |
| <b>1203.G.3</b>    | Addition             | Added language to clarify training and competency evaluation requirements for provision of medications.                    |
| <b>1206.B</b>      | Revision             | Amended to add a requirement of daily checks of medication refrigerators/freezers and maintenance of a log of such checks. |
| <b>1206.C.2</b>    | Technical Correction | Amended to correct punctuation.  |
| <b>1208</b>        | Revision             | Amended to update regulation number.   |
| <b>1209.D</b>      | Revision             | Amended to update regulation number.   |
| <b>1301</b>        | Revision             | Amended to update regulation number.   |
| <b>1302</b>        | Revision             | Amended to update regulation number.   |
| <b>1401.A</b>      | Revision             | Amended to add language requiring implementation of a written plan for actions for disaster preparedness.                  |
| <b>1401.B.1.c</b>  | Revision             | Amended language for clarity and consistency with other Departmental regulations.  |
| <b>1401.D</b>      | Deletion             | Deleted this section because it is no longer needed in the regulation.   |
| <b>1401.D.1</b>    | Deletion             | Deleted this section because it is no longer needed in the regulation.   |
| <b>1401.D.1.a</b>  | Deletion             | Deleted this section because it is no longer needed in the regulation.   |
| <b>1401.D.1.b</b>  | Deletion             | Deleted this section because it is no longer needed in the regulation.   |
| <b>1401.D.1.c.</b> | Deletion             | Deleted this section because it is no longer needed in the regulation.   |

|                 |                      |  |
|-----------------|----------------------|--|
| <b>1401.D.2</b> | Deletion             | Deleted this section because it is no longer needed in the regulation.   |
| <b>1401.D.3</b> | Deletion             | Deleted this section because it is no longer needed in the regulation.   |
| <b>1501</b>     | Technical Correction | Amended to correct punctuation.  |
| <b>1505.A.3</b> | Revision             | Amended to clarify facility responsibility regarding safekeeping of chemicals and cleaning supplies.   |
| <b>1506.B.7</b> | Technical Correction | Amended to correct capitalization.   |
| <b>1601.A</b>   | Revision             | Amended to remove the permitting of kitchens/meal services.  |
| <b>1601.B</b>   | Revision             | Amended to clarify requirements regarding catered meals.   |
| <b>1608.A</b>   | Revision             | Amended to clarify requirements for ice and drinking water to conform with R.61-58, State Primary Drinking Water Regulations or R.61-32, Wholesale Bottled Water, Soft Drink, and Ice Manufacturing. |
| <b>1700</b>     | Technical Correction | Amended to correct spacing.  |
| <b>1804</b>     | Technical Correction | Amended for stylistic clarity.   |
| <b>1807.C</b>   | Technical Correction | Amended to correct punctuation.  |
| <b>2304</b>     | Technical Correction | Amended to correct spacing.  |
| <b>2504</b>     | Technical Correction | Amended for stylistic clarity.   |
| <b>2506.E</b>   | Revision/Addition    | Amended by adding language to clarify numbers in writing.  |
| <b>2511</b>     | Technical Correction | Amended to correct spacing.  |
| <b>2600</b>     | Technical Correction | Amended to correct spacing. Amended each instance of “these regulations” to “this regulation” for clarity and consistency  |
| <b>2700</b>     | Technical Correction | Amended each instance of “these regulations” to “this regulation” for clarity and consistency.   |

**Text:**

60-13. Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities.

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

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## SECTION 100—DEFINITIONS

For the purpose of these standards the following definitions shall apply:

A. Abuse. Physical Abuse or Psychological Abuse.

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

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

B. Active Treatment. An aggressive, consistent implementation of a program of specialized and generic training, treatment, and health services.

C. Administrator. The individual designated by the licensee to have the authority and responsibility to manage the facility and to be in charge of all functions and activities of the facility.

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

E. Airborne Infection Isolation (AII). A room designed to maintain Airborne Infection Isolation (AII), formerly called a negative pressure isolation room. An AII room is a single-occupancy client-care room used to isolate persons with suspected or confirmed infectious tuberculosis (TB) disease. Environmental factors are controlled in AII rooms to minimize the transmission of infectious agents that are usually spread from person-to-person by droplet nuclei associated with coughing or aerosolization of contaminated fluids. AII rooms may provide negative pressure in the room (so that air flows under the door gap into the room), an air flow rate of six to twelve (6 to 12) air changes per hour (ACH), and direct exhaust of air from the room to the outside of the building or recirculation of air through a high efficiency particulate air (HEPA) filter.

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

G. Client. Any individual determined to have intellectual disability or a related condition, and resides and receives services in a licensed facility.

H. Control Station. An area of a facility which is the central focus of client management, nursing function, and service for a client living area. A control station may also be used for administrative functions by other disciplines which provide services to the clients of the facility. A control station shall not serve more than forty-four (44) beds.



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I. Department. The South Carolina Department of Public Health.

J. Elopement. A situation in which a client leaves the premises or a safe area of the facility without the facility's knowledge and supervision.

K. Exploitation.

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

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

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

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

L. Facility. An Intermediate Care Facility for Individuals with Intellectual Disabilities.

M. Incident. An unusual unexpected adverse event or accident resulting in harm, injury, or death of staff or clients, for example, medication errors, adverse medication reactions, client elopement.

N. Intellectual Disability. The significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

O. Interdisciplinary Team. A group designated by the facility to provide or supervise care, treatment, and services provided by the facility. The group normally includes the following persons: registered nurse, dietary, social services, direct care staff members, nurse aides, and activity professionals.

P. Intermediate Care Facility for Individuals with Intellectual Disabilities ("ICF-IID"). A facility that serves four (4) or more persons with intellectual disability or persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions. For purposes of this regulation, the definitions of "Intermediate Care Facility for Individuals with Intellectual Disabilities" and "Habilitation Center for Persons with Intellectual Disability or Persons with Related Conditions" are the same and both terms are utilized interchangeably.

Q. Licensee. The individual, corporation, organization, or public entity that has been issued a license to provide care, treatment, and services at a facility and with whom rests the ultimate responsibility for compliance with this regulation.

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

S. Nonlegend Medication. A medication that may be sold without a prescription and that is labeled as stock or labeled for use by the consumer in accordance with the requirements of the laws of this state and the federal government.

T. Qualified Intellectual Disability Professional (QIDP). An individual who possesses the following minimal qualifications:

1. Has at least one (1) year of experience working directly with persons with intellectual disability or other developmental disabilities; and

2. Is a doctor of medicine or osteopathy, a registered nurse or an individual who holds at least a bachelor's degree in one (1) of the following professional categories specified in 42 C.F.R. 483.430(b)(5) including, but not limited to: occupational therapy; occupational therapy assistant; physical therapy; physical therapy assistant; psychology; sociology; speech-language pathology or audiology; recreation; dietetics; or human services.

U. Related Condition. A severe, chronic condition found to be closely related to intellectual disability or to require treatment similar to that required for persons with intellectual disability and must meet the following conditions:

1. Attributed to cerebral palsy, epilepsy, autism, or any other condition other than mental illness found to be closely related to intellectual disability because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with intellectual disability and requires treatment or services similar to those required for these persons;

2. Manifested before twenty-two (22) years of age;

3. Likely to continue indefinitely; and

4. Results in substantial functional limitations in three (3) or more of the following areas of major life activity: self-care, understanding and use of language, learning, mobility, self-direction, and capacity for independent living.

## **SECTION 200—LICENSE REQUIREMENTS (II)**

### **201. Scope of Licensure**

A. No person, private or public organization, political subdivision, or governmental agency shall establish, maintain, or represent itself (advertise or market) as an ICF-IID in South Carolina without first obtaining a license from the Department. Admission of clients or the provision of care, treatment, and/or services to clients prior to the effective date of licensure is a violation of S.C. Code Section 44-7-260(A). When it has been determined by the Department that an ICF-IID has been established or maintained at a location, and the owner has not been issued a license from the Department, the owner shall cease operation immediately and ensure the safety, health, and well-being of the clients. (I)

B. A license shall be effective for the period of time specified on its face by the Department.

C. A new facility, or one that has not been continuously licensed under these or prior standards, shall not admit clients until permission is granted by the Department.

D. Separate licenses are required for facilities not maintained on the same premises. Separate licenses may be issued for facilities maintained in separate buildings on the same premises. Each building of a licensed facility shall be staffed in accordance with Section 600.

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E. A facility shall provide only the care, treatment, and/or services of which it is capable and equipped to provide, and has been authorized by the Department to provide pursuant to the definition in Section 100.P.

### **202. License Application**

Applicants for license shall file an application under oath on a form and frequency specified by the Department. An application shall be signed by the owner(s) if an individual or partnership; or in the case of a corporation, by two (2) of its officers; or in the case of a governmental unit, by the head of the governmental department having jurisdiction over it. The application shall set forth the full name and address of the facility for which the license is sought and owner(s); the names of persons in control thereof; and such additional information as the Department may require, including affirmative evidence of ability to comply with reasonable standards, rules, and regulations as may be lawfully prescribed. No proposed facility shall be named nor may an existing facility have its name changed to the same or similar name as a facility licensed in the state. Applicants shall make payment of all outstanding fees (initial licensure fees, annual licensure fees, inspection fees, construction fees, etc.) prior to the Department's issuance of a license. All fees are non-refundable, and shall be made payable to the Department via a secured portal or specific website.

### **203. Compliance**

An initial license shall not be issued to an applicant until the applicant demonstrates to the Department substantial compliance with the applicable licensing standards. A facility shall make a copy of the licensing standards accessible to all facility staff. In the event a licensee with an existing ICF-IID or other facility licensed by the Department applies for licensure for an additional ICF-IID or other facility, the currently licensed ICF-IID or other facility shall be in substantial compliance.

### **204. Compliance with Structural Standards**

Facilities licensed at the time of promulgation of these regulations shall be allowed to continue utilizing the previously-licensed structure without modification.

### **205. Licensing Fee**

Each applicant shall pay a license fee prior to the issuance of a license. The annual license fee shall be five dollars (\$5.00) per licensed bed.

### **206. Licensing Late Fee**

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

### **207. Amended License**

A facility shall request issue of an amended license, by application to the Department, prior to any of the following circumstances:

- A. Change of licensed bed capacity;
- B. Change of facility's name or address; or
- C. Change of facility location from one geographic site to another.

**208. Change of Licensee**

A facility shall request issuance of a new license by application to the Department prior to any of the following circumstances:

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

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

**209. Licensed Bed Capacity**

A facility shall not exceed the bed capacity identified on the face of the license. A licensee shall obtain authorization from the Department before establishing new care, treatment, or services or occupying additional beds or renovated space. The midnight census of the facility shall not exceed the rated capacity of the license.

(I)

**210. Variance**

A variance is an alternative method that ensures the equivalent level of compliance with the standards in this regulation. The facility may request a variance to this regulation in a form as determined by the Department. Variances shall be considered on a case-by-case basis by the Department. The Department may revoke issued variances as determined to be appropriate by the Department.

**SECTION 300—ENFORCEMENT OF REGULATIONS****301. General**

The Department shall utilize inspections, investigations, consultations, or other pertinent documentation regarding a proposed or licensed facility in order to enforce this regulation.

**302. Inspections and Investigations**

A. Inspections shall be conducted prior to initial licensing of a facility. The Department, at its own determination, may also conduct subsequent inspections. (I)

B. All facilities are subject to inspection or investigation at any time without prior notice by individuals authorized by the South Carolina Code of Laws. (I)

C. Individuals authorized by the Department shall be granted access to all properties and areas, objects, and records at the time of the inspection. If photocopies are made for the Department inspector, they shall be used only for purposes of enforcement of regulations and confidentiality shall be maintained except to verify individuals in enforcement action proceedings. Physical area of inspections shall be determined by the extent to which there is potential impact or effect upon clients as determined by the inspector. (I)

D. A facility found noncompliant with the standards of this regulation or governing statute shall submit an acceptable written plan of correction to the Department that shall be signed by the Administrator and returned by the date specified by the Department. The written plan of correction shall describe: (II)

1. The actions taken to correct each cited deficiency;
2. The actions taken to prevent recurrences (actual and similar); and

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3. The actual or expected completion dates of those actions.

E. In accordance with S.C. Code Section 44-7-270, the Department may charge a fee for plan reviews, construction inspections, and licensing inspections. The fee for initial and routine inspections shall be three hundred fifty dollars (\$350.00) plus twenty-five dollars (\$25.00) per licensed bed. The fee for a bed increase inspection is two hundred dollars (\$200.00) plus twenty-five dollars (\$25.00) per licensed bed. The fee for follow-up inspections shall be two hundred dollars (\$200.00) plus twenty-five dollars (\$25.00) per licensed bed.

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

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

## SECTION 400—ENFORCEMENT ACTIONS

### 401. General

When the Department determines that a facility is in violation of any statutory provision, rule, or regulation relating to the operation or maintenance of a facility, the Department, upon proper notice to the licensee, may impose a monetary penalty, and deny, suspend, or revoke its license.

### 402. Violation Classifications

Violations of standards in this regulation are classified as follows:

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

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

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

D. Class I and II violations are indicated by notation after each applicable section, as “(I)” or “(II).” Sections not annotated in that manner denote Class III violations. A classification at the beginning of a section and/or subsection applies to all subsections following, unless otherwise indicated.

E. In arriving at a decision to take enforcement action, the Department will consider the following factors: specific conditions and their impact or potential impact on the health, safety, or well-being of the clients; efforts by the facility to correct cited violations; behavior of the licensee that reflects negatively on the licensee’s character, such as illegal or illicit activities; overall conditions of the facility; history of compliance; any other pertinent conditions that may be applicable to current statutes and regulations including participating in, or offering, or implying an offer to participate in the practice generally known as rebates, kickbacks, or fee-splitting arrangements. (I)

F. When a decision is made to impose monetary penalties, the Department may utilize the following schedule as a guide to determine the dollar amount:

**Frequency of violation of standard within a thirty-six (36) month period:**

**MONETARY PENALTY RANGES**

| <b>FREQUENCY</b> | <b>CLASS I</b> | <b>CLASS II</b> | <b>CLASS III</b> |
|------------------|----------------|-----------------|------------------|
| 1st              | \$200-1000     | \$100-500       | \$100            |
| 2nd              | 500-2000       | 200-1000        | 100-500          |
| 3rd              | 1000-5000      | 500-2000        | 200-1000         |
| 4th              | 5000           | 1000-5000       | 500-2000         |
| 5th              | 5000           | 5000            | 1000-5000        |
| 6th and more     | 5000           | 5000            | 5000             |

**SECTION 500—POLICIES AND PROCEDURES (II)**

A. Policies and procedures addressing each section of this regulation regarding client care, rights, and the operation of the facility shall be developed, implemented, and revised as needed in order to accurately reflect actual facility operation and shall be documented and maintained in the facility. The policies and procedures shall address the provision of any special care offered by the facility. Information shall include the means by which the facility shall meet the specialized needs of the affected clients, such as those who are physically or developmentally disabled, in accordance with any laws which pertain to that service offered. The facility shall establish a time period for review, not to exceed two (2) years, of all policies and procedures and such reviews shall be documented. These policies and procedures shall be accessible at all times in hard copy or electronically.

B. By its application, the licensee agrees to comply with all standards in this regulation. The policies and procedures shall describe the means by which the facility shall ensure the standards described in this regulation are met.

**SECTION 600—STAFF AND TRAINING**

**601. General (II)**

A. A facility shall have appropriate staff in numbers and training to meet the needs and conditions of the clients. Training and qualifications for the tasks each staff member performs shall be in compliance with all professional standards and applicable federal and state laws.

B. Prior to being employed or contracted as a staff member or direct care volunteer by a facility, a person shall undergo a criminal background check pursuant to S.C. Code Section 44-7-2910. (I)

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C. The facility shall maintain accurate and current information regarding all staff members and volunteers of the facility, including at least: address, phone number, and health, work, and training background. The facility shall assign duties and responsibilities to all staff members and volunteers in writing and in accordance with the facility's policy and the individual's capability.

### **602. Administrator (II)**

A. Each facility shall have a full-time Administrator.

B. The facility Administrator shall be either a Qualified Intellectual Disability Professional (QIDP) or a licensed nursing home administrator and shall have the necessary authority and responsibility for management of the facility. Any change in the position of the Administrator shall be reported immediately by the governing board or owner to the Department in writing.

1. For facilities utilizing a QIDP in this capacity, such notification shall include, at a minimum, the name of the appointed individual, effective date of the appointment, educational background, professional experience, and professional certificates and/or licenses.

2. For facilities utilizing a licensed nursing home administrator in this capacity, such notification shall include, at a minimum, the name of the appointed individual, effective date of the appointment, and the number and expiration date of the current South Carolina Nursing Home Administrator's license or written verification of an emergency license.

C. The Administrator shall exercise judgment that reflects that he or she is in compliance with these regulations and shall demonstrate adequate knowledge of these regulations.

D. A staff member shall be designated, by name or position, in writing, to act in the absence of the Administrator, for example, a listing of the lines of authority by position title, including the names of the individuals filling these positions.

E. The Administrator shall have sufficient freedom from other responsibilities and duties to carry out the functions associated with the position.

F. The maximum number of facilities under the management of a single administrator will be determined based on the number of clients residing in the facilities, the extent of client needs, and the physical location of the facilities. Only facilities located within the same five (5) number zip code or no further than a twenty (20) mile radius of the facility shall be managed by a single administrator. No single administrator shall be responsible for more than a total of thirty-two (32) beds in multiple facilities unless approved by the Department.

### **603. Direct Care Staff (I)**

A. The facility shall maintain personnel adequate in number and skill in the facility at all times when clients are present to ensure safety and supervise clients in accordance with their individual program plans. When there are no clients in the facility, a responsible staff member shall be available by telephone.

1. The facility's policy shall clearly define the authority, responsibility, and function of each category of personnel. (II)

2. Personnel shall be assigned only those duties for which they are trained.

B. The facility shall employ registered or practical nurses that are currently and continuously licensed to practice in South Carolina during the period of their employment. The facility shall maintain in the facility a

copy of the license of each registered or practical nurse employed. Only licensed registered or practical nurses may perform duties requiring a registered or practical nurse. (II)

#### **604. Staff (II)**

A. The facility shall employ or arrange for licensed nursing services which are sufficient to care for the client's health needs including individuals who are determined to need twenty-four-hour (24-hour) nursing care. If the facility utilizes only licensed practical nurses to provide health services, the facility shall have a contractual arrangement with a registered nurse to be available for verbal or onsite consultation to the licensed practical nurse in regard to the health aspects of the individual plans of care.

B. The facility shall maintain a responsible direct care staff person on duty and awake on a twenty-four-hour (24-hour) basis (when clients are present) to respond to injuries and symptoms of illness and to handle emergencies in each facility building housing clients for whom a physician has ordered a medical care plan or clients who are aggressive, assaultive, or security risks.

C. The facility must provide sufficient direct care staff to manage and supervise clients in accordance with their individual program plans. Direct care staff are defined as the present on-duty staff calculated over all shifts in a twenty-four-hour (24-hour) period for each defined residential living unit. Direct care staff must be provided by the facility in the following minimum ratios of direct care staff to clients:

1. For each defined residential living unit serving clients under the age of twelve (12), clients with severe and profound intellectual disability, clients with severe physical disabilities, or clients who are aggressive, assaultive, or security risks, or who manifest severely hyperactive or psychotic-like behavior, the staff to client ratio is one to three and two tenths (1 to 3.2).

2. For each residential living unit serving clients with moderate intellectual disability, the staff to client ratio is one to four (1 to 4).

3. For each defined residential living unit serving clients who function within the range of mild intellectual disability, the staff to client ratio is one to six and four tenths (1 to 6.4).

D. The facility shall provide the necessary professional services required to implement each client's individual program plan.

E. The facility shall require staff members who operate motor vehicles that transport clients to possess a valid driver's license.

F. If the facility has a volunteer program, a facility staff person shall be designated to direct the program. Volunteers shall consult with licensed staff prior to any changes in client care or treatment. The facility may elect to prohibit volunteers to work in the facility.

#### **605. Inservice Training (I)**

The facility shall require all staff members and volunteers to complete the necessary training to perform their duties and responsibilities. The facility shall document all inservice training. The following training shall be provided by appropriate resources, such as, licensed, registered, or certified persons; books; or electronic media, to all staff members prior to client contact and at a frequency determined by the facility, but at least annually unless otherwise specified by certificate, for example, cardiopulmonary resuscitation (CPR):

- A. Orientation of the facility organization and physical plant;

- B. Specific duties and responsibilities as outlined in the job description;



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C. Provisions of S.C. Code Sections 43-35-5, et seq., “Omnibus Adult Protection Act,” and S.C. Code Sections 44-81-10, et seq.;

D. “Bill of Rights for Residents of Long-Term Care Facilities” as well as other rights and assurances as required in this regulation;

E. Confidentiality of client information and records;

F. Emergency procedures and disaster preparedness to address various types of potential disasters such as evacuation, bomb threat, earthquake, flood, hurricane, tornado, and others within forty-eight (48) hours of initial client contact (See Section 1400);

G. Fire response training (See Section 1702);

H. CPR for designated staff members and direct care volunteers to ensure that there is a certified staff member or direct care volunteer present whenever clients are in the facility;

I. Management and care of individuals with contagious and/or communicable disease, for example, hepatitis, tuberculosis, or HIV infection;

J. Use of restraints that promote client safety, including alternatives to physical and chemical restraints, in accordance with the provisions of Section 1009 (for designated staff members only);

K. OSHA standards regarding blood-borne pathogens;

L. Medication management, as applicable for staff duties, including storage, administration, receiving orders, securing medications, interactions, and adverse reactions;

M. Infection control procedures; and

N. Depending on the type of clients, care of persons specific to the physical or mental condition being cared for in the facility, such as, mental illness or aggressive, violent, and/or inappropriate behavioral symptoms, to include communication techniques (cueing and mirroring), understanding and coping with behaviors, safety, and activities.

### **606. Health Status (I)**

A. All staff members and direct care volunteers who have contact with clients, including food service staff members and direct care volunteers, shall have a health assessment within twelve (12) months prior to hire. The health assessment shall consist of an evaluation of the individual’s health status by a physician, registered nurse, or other legally authorized healthcare provider pursuant to written standing orders and/or protocol approved by a physician’s signature. The health assessment shall also include tuberculin skin testing as described in Section 1503.

B. If a staff member or direct care volunteer is working at multiple facilities operated by the same licensee, copies of records for tuberculin skin testing and the pre-employment health assessment shall be accessible at each facility.

### **607. Volunteer Workers**

A. Facilities shall require that volunteers sign in and out with staff of the facility upon entering or leaving the facility. Volunteers shall wear legible name and title badges that are visible at all times while on duty.

B. Volunteers and paid feeding assistants (as defined in the federal regulations on paid feeding assistants) shall not be included in the minimum staffing requirements of Section 604.

## **SECTION 700—REPORTING**

### **701. Accidents and/or Incidents**

A. A facility shall maintain a record of each accident and/or incident, including usage of mechanical or physical restraints, involving clients, staff members or volunteers, occurring in the facility or on the facility grounds. A facility's record of each accident and/or incident shall be documented, reviewed, investigated, and if necessary, evaluated in accordance with facility policies and procedures, and retained by the facility for six (6) years after the client's death, discharge, or transfer.

B. Accidents and/or incidents occurring to clients within the facility or on the facility grounds requiring reporting to the Department include, but are not limited to:

1. Crime(s) against client;
2. Confirmed or suspected cases of abuse, neglect, or exploitation;
3. Medication error causing adverse reaction;
4. Hospitalization as a result of the accident and/or incident;
5. Elopement;
6. Severe hematoma, laceration or burn requiring medical attention or hospitalization;
7. Fracture of bone or joint;
8. Severe injury involving use of restraints;
9. Attempted or completed suicide; or
10. Fire.

C. A facility shall immediately report every serious accident and/or incident that results in client's death or significant loss of function or damage to a body structure, not related to the natural course of a client's illness or underlying condition or normal course of treatment, and resulting from an accident and/or incident occurring to client within the facility or on the facility's grounds to the client's next-of-kin or responsible party, the attending physician, and the Department via its electronic reporting system or other prescribed method within twenty-four (24) hours of the serious accident and/or incident.

D. A facility shall submit a written report of its investigation of every serious accident and/or incident to the Department via its electronic reporting system or other prescribed method within five (5) working days of the serious accident and/or incident. A facility's written report to the Department shall provide at a minimum:

1. Facility name;
2. License number;
3. Type of accident and/or incident;

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4. Date accident and/or incident occurred;
5. Number of clients directly injured or affected;
6. Client record number or last four (4) digits of Social Security Number;
7. Client age and sex;
8. Number of staff directly injured or affected;
9. Number of visitors directly injured or affected;
10. Name(s) of witness(es);
11. Identified cause of accident and/or incident;
12. Internal investigation results if cause unknown; and
13. Brief description of the accident and/or incident including the location of the occurrence and treatment of injuries.

E. A facility shall retain a report of every serious accident and/or incident with all of the information provided to the Department and the names, injuries, and treatments associated with each client, staff and/or visitor involved. A facility shall retain all serious accident and/or incident records for six (6) years after the client's death, discharge, or transfer.

F. The Administrator or his or her designee shall report every incident involving a client that leaves the premises for more than twenty-four (24) hours without notice to staff members of intent to leave to local law enforcement, the client's responsible party, and the Department. The Administrator or his or her designee shall immediately notify local law enforcement and the responsible party by telephone when a cognitively impaired client leaves the premises for any amount of time without notice to staff members.

G. The Administrator or his or her designee shall report changes in a client's condition, to the extent that serious health concerns and/or injuries, for example, fracture, behavioral changes or heart attack, are evident, to the attending physician and the responsible party immediately, not to exceed twenty-four (24) hours, consistent with the severity or urgency of the condition in accordance with facility policies and procedures. (I)

H. The Administrator or his or her designee shall report abuse and suspected abuse, neglect, or exploitation of clients to the Vulnerable Adults Unit of the South Carolina Law Enforcement Division (SLED) in accordance with S.C. Code Section 43-35-25.

## **702. Fire and Disasters (II)**

A. The facility shall immediately notify the Department via telephone, email, or facsimile regarding any fire, regardless of size or damage that occurs in the facility, or any natural disaster in the facility which requires displacement of the clients or jeopardizes or potentially jeopardizes the safety of the clients.

B. The facility shall submit a complete written report regarding any fire or natural disaster to the Department to include the fire department reports, if any, within a time period as determined by the facility but not to exceed five (5) days.

## **703. Communicable Diseases and Animal Bites (I)**

A. All cases of reportable diseases, animal bites, any occurrences such as epidemic outbreaks or poisonings, or other unusual occurrences that threaten the health and safety of clients or staff shall be reported in accordance with Regulation 60-20, Communicable Diseases.

B. The facility shall isolate any client who has a communicable disease which poses a threat to the health or safety of other clients, if ordered by the attending physician. If the attending physician determines the client cannot be managed at the facility or the physical layout prohibits isolation, the facility shall make arrangements for transfer of the client to an appropriate facility at the earliest practical time.

#### **704. Emergency Placements**

The facility shall notify the Department no later than the following workday when evacuees have been relocated to the facility by providing the names of the individuals received.

#### **705. Facility Closure**

A. Prior to the permanent closure of a facility, the licensee shall notify the Department in writing of the intent to close and the effective closure date. Within ten (10) days of the closure, the facility shall notify the Department of the provisions for the maintenance of the facility records as required by regulation, the identity of those clients displaced, and the relocated site. On the date of closure, the current original license shall be returned to the Department.

B. In instances where a facility temporarily closes, the licensee shall notify the Department in writing within fifteen (15) days prior to temporary closure. In the event of temporary closure due to an emergency, the facility shall notify the Department in writing within twenty-four (24) hours of the closure. At a minimum this notification shall include, but not be limited to, the reason for the temporary closure, the manner in which the records are being stored, the identification of those clients displaced, the relocated site, and the anticipated date of reopening. The Department shall consider, upon appropriate review, the necessity of inspecting and determining the applicability of current construction standards to the facility prior to its reopening. If the facility is closed for a period longer than one (1) year, and there is a desire to re-open, the facility shall be subject to all licensing requirements prior to reopening, including construction-related requirements for a new facility.

#### **706. Zero Census**

In instances when there have been no clients in a facility for any reason, for a period of ninety (90) days or more, the facility shall notify, in writing, the Department no later than the one-hundredth (100th) day following the date of discharge or transfer of the last active client. At the time of that notification, the Department shall consider, upon appropriate review of the situation, the necessity of inspecting the facility prior to any new admissions and/or re-admissions to the facility. If the facility has no clients for a period longer than one (1) year, and there is a desire to admit a client, the facility shall be subject to all licensing requirements prior to admission of a client, including construction-related requirements for a new facility. Instances of zero census do not relieve the facility of the requirement to pay licensing fees that may be due during that time.

#### **707. Loss of Essential Services**

Should a facility experience a loss of an essential service such as cooling, heating, potable water, or electrical power, the facility shall notify the Department by email to [HQEP@dph.sc.gov](mailto:HQEP@dph.sc.gov) or other email address prescribed by the Department after ensuring the safety of the clients, but not to exceed twenty-four (24) hours from the loss of service.

### **SECTION 800—CLIENT RECORDS**

#### **801. Content (II)**

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A. A facility shall maintain adequate and complete records for each client. All entries shall be legibly written in ink or typed, dated, and signed, including title. If an entry is signed on a date other than the date it was made, the date of the signature shall also be entered. Although the use of initials in lieu of licensed nurses' signatures is not encouraged, initials shall be acceptable provided such initials can be readily identified by signature on each sheet on which the initials are used, or by signature on a master list which is maintained in the record at all times.

B. A minimum client record shall include the following:

1. Identification data:

a. Name, county, date of birth, sex, marital status, religion, county of birth, father's name, mother's maiden name, husband's or wife's name (if applicable), health insurance number, social security number, diagnosis, case number dates of care, name of the person providing information, and contact information for person(s) to be notified in case of emergency.

b. Admission agreement specifying available services and costs, and documentation of the explanation of the client bill of rights and grievance procedures.

c. Name and telephone number of attending physician.

d. Date and time of admission.

2. Consent form for treatment signed by the client or his or her legal representative.

3. Record of physical examination:

a. Physical examination, to include but not be limited to, diagnosis and identification of special conditions or care required, completed within one (1) month prior to or within forty-eight (48) hours after admission.

b. Physician's orders for medication, treatment, care, and diet, which must be reviewed and reordered at least once every three (3) months by the physician.

4. Individual Program Plan.

5. Social services. A social history, psychosocial assessment, and progress notes shall be documented and updated as necessary.

6. Activity services. An activity assessment and progress notes shall be documented and updated as necessary.

7. Dietary services. A dietary assessment and progress notes shall be documented and updated as necessary.

8. Nursing care record. Record of all pertinent factors pertaining to the client's condition.

9. Assessments and progress notes regarding psychological, behavioral, and therapeutic services shall be documented and updated as necessary by the interdisciplinary team.

10. Record of all physicians' visits subsequent to admission. Progress notes shall be entered after each visit to or by the physician. Physician's orders for medications, treatment, care, and diet shall be written in ink and signed by the prescriber or his or her designee.

11. Discharge summary.

**802. Physician Orders**

A. All physician orders for medication and treatment shall be recorded in the client's record, signed and dated by the physician or nurse receiving the orders. All orders, including verbal orders, shall be signed and dated by the prescribing physician or his or her designee within forty-eight (48) hours. (I)

B. No one, except a licensed nurse or pharmacist, may accept verbal orders from physicians for medication or nursing treatment and care. Verbal orders in other specialized departments or services, as authorized in facility policy and procedures, may be accepted by those departments or services, for example, orders pertaining to physical therapy may be received by a physical therapist. (I)

C. The use of a rubber stamp signature or electronic representation shall be acceptable under the following conditions:

1. The physician whose signature the rubber stamp represents is the only one who uses it; and
2. The physician places in the administrative office of the facility a signed statement to the effect that he or she is the only one who has the rubber stamp and is the only one who will use it.

D. The use of rubber stamp signatures shall not be permitted on orders for "controlled substances."

**803. Individual Program Plan (II)**

Within thirty (30) days of admission, the facility shall provide an individual program plan for each client that is developed by the interdisciplinary team made up of the professions, disciplines, and service areas necessary to identify each client's needs and design appropriate programs, and shall be signed and dated by the client or his or her responsible party and a staff member on the interdisciplinary team. The individual program plan shall include the identified needs, the specific objectives to meet these needs, and the methods and schedules for implementing the designed programs. The individual program plan shall be updated and/or revised as changes in client needs occur, but not less than semi-annually by the interdisciplinary team.

**804. Record Storage**

A. Records of clients are the property of the facility and shall not be removed without court order. Access to the medical record shall be granted to the legal guardian or any individual legally authorized in writing to act on behalf of the client.

B. On discharge, transfer, or death of a client, the medical records shall be completed within fifteen (15) days and filed in an inactive file in an orderly manner. Records shall be retained in a safe storage area or electronically and none shall be disposed of less than six (6) years after discharge, transfer, or death of a client.

C. Facilities that microfilm before six (6) years have expired shall film the entire record.

D. In the event of change of ownership, all client records shall be transferred to the new owner(s). (II)

E. Prior to the closing of a facility for any reason, the facility shall arrange for preservation of records to ensure compliance with these regulations. The facility shall notify the Department, in writing, describing these arrangements.

**SECTION 900—ADMISSION AND RETENTION (I)**

A. A facility shall make admission decisions based on a preliminary evaluation of the client that is conducted or updated by the facility or outside sources. The preliminary evaluation shall contain background information

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as well as current assessments of functional, developmental, behavioral, social, health, and nutritional needs and if the client is likely to benefit from placement in the facility.

B. A facility shall admit only those persons having a diagnosis of intellectual disability or other related condition and be in need of a continuous program of training directed toward:

1. The acquisition of behaviors and skills needed to function with greater independence; and/or
2. The prevention or deceleration of the loss of current functions.

C. Within one (1) month prior to or within forty-eight (48) hours after admission, all first time clients shall have a physical examination including the tuberculosis testing requirements of Section 1504.

D. Within one (1) month prior to or within forty-eight (48) hours of client admission, a dietitian, occupational therapist, or speech therapist shall conduct an assessment to determine the diet and food consistency the client can manage.

### **SECTION 1000—CLIENT CARE AND SERVICES**

#### **1001. Client Care Policies**

A. A facility shall designate a committee to develop client care policies. (II)

B. The facility's client care policy committee shall include the Administrator and designated professional representatives from the healthcare, dietary, pharmaceutical, social services, and psychological areas. (II)

C. A facility's review of client care policies shall occur at least once every two (2) years and shall cover at least the following:

1. Admission and transfer;
2. Dietary services;
3. Habilitation services;
4. Pharmaceutical services;
5. Physician services;
6. Nursing services;
7. Client rights; and
8. Behavior management.

D. Actual practices and procedures shall be in accordance with facility policy. (II)

E. A facility shall retain minutes of meetings of the client care policy committee relating to policies, procedures, or evaluations of the facility.

#### **1002. Training and Habilitation**

A. A facility shall provide each client with developmental training utilizing assessment-based programs to ensure achievement and maintenance of his or her highest level of self-care independence. A facility shall encourage and assist each client to achieve his or her highest level of independence. (I)

B. A facility shall provide each client with developmental training and/or assistance in the activities of daily living as his or her needs indicate.

C. A facility shall provide training and assistance on a continuum of care from the basic skills of proper body alignment and joint movement to preparation for independent community living.

### **1003. Client Activities**

A. A facility shall provide a regular and ongoing program of varied, meaningful activities designed to meet the needs and interests of each client and to promote his or her physical, social, and emotional well-being. A facility shall provide activities that include appropriate group activities and activities for individuals with particular interests and needs. A facility shall make activities available to give the clients an opportunity for participation. A facility shall not force clients to participate in any activity. A facility shall provide activities in accordance with the client's individual program plan.

B. A facility shall utilize community resources and volunteers to the fullest possible extent.

C. A facility shall provide flexible visiting hours and encourage visitation by relatives and friends, with minimal restrictions. A facility shall grant reasonable exceptions to visiting hours.

D. A facility shall provide ample space, supplies, and equipment for all pertinent activities. Examples include: books, magazines, newspapers, games, arts and crafts, radio, and television.

E. If a facility implements a pet therapy program, the following guidelines shall be met:

1. Pets utilized for the program shall be free of fleas, ticks, and intestinal parasites, and have been screened by a veterinarian prior to client contact, and shall present no apparent threat to the health, safety, and well-being of the clients;

2. Pets utilized for the program shall be inoculated or vaccinated as required by law, with written verification of current inoculations on file at the facility; and

3. Pets shall be properly cared for and housed, if applicable.

### **1004. Therapeutic and Behavioral Services**

A. A facility shall provide therapeutic services such as physical therapy, occupational therapy, and speech therapy based on each client's individual needs. A facility shall provide these therapies based upon the interdisciplinary team's recommendation and shall be administered by qualified persons. A facility shall obtain a physician's order for physical therapy evaluation and/or treatment.

B. A facility shall provide psychological and behavioral management services for clients as needed and recommended by the facility's interdisciplinary team.

### **1005. Physician Services**

A. An annual physical examination by a physician, physician assistant, or nurse practitioner shall be performed on each client in addition to preventative and general care as deemed necessary by the attending physician.



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B. The attending physician shall review all prescribed medications at least once every three (3) months.

C. Physician's progress notes shall be recorded as needed and shall be consistent with the observed condition of the client.

D. Special exams or consultations. A facility shall develop written policies and procedures regarding the acceptance of unsigned radiological, laboratory, or other consultative reports requested by a physician.

E. A facility shall not, under any circumstances, restrict client, guardian, or representative choice in attending physician coverage provided the physician is licensed to practice in South Carolina and agrees to provide medical services required by facility policy and applicable regulations.

F. A facility shall have at least one (1) licensed physician available on call at all times.

### **1006. Dental Services**

A. Within one (1) month of client admission, a physician, dentist, or registered nurse shall conduct an oral assessment on each client to determine the condition of gums and teeth.

B. The facility shall provide clients with daily dental care assistance as necessary.

C. A facility shall maintain names of dentists who can render emergency and other dental treatments. A facility shall encourage clients to utilize dental services of their choice.

### **1007. Oxygen Therapy**

A. A facility shall provide oxygen for the treatment of clients when ordered by a physician or other legally authorized healthcare provider. (I)

B. A facility shall post "No Smoking" signs conspicuously when oxygen is dispensed, administered, or stored. A facility shall appropriately secure all cylinders in an upright position.

### **1008. Personal Hygiene (II)**

Each client shall be assured of good personal hygiene, clean clothing, removal or trimming of facial hair, trimming of nails, and freedom from offensive body odors.

### **1009. Safety Restraints for Behavioral or Medical Conditions (I)**

A. A facility shall develop written policies and procedures on restraints that may be used.

B. The client's individual program plan and/or the physician's order shall include the length of time the restraint is to be used, but use of restraints shall not be used for more than twelve (12) consecutive hours.

C. The facility may employ safety restraints only:

1. As an integral part of an individual program plan intended to manage and eliminate the behaviors for which the restraint is utilized; or

2. As an emergency measure with a physician's order at the time they are applied; or

3. As a health-related protection prescribed by a physician.

D. If a client requires continuous physical restraint for more than twelve (12) hours, the client shall be transferred to a facility which provides the specialized services required.

## **SECTION 1100—RIGHTS AND ASSURANCES**

A. A facility shall comply with all current state, federal, and local laws and regulations concerning client care, treatment, procedures, and/or services, client rights and protections, and privacy and disclosure requirements, such as, S.C. Code Section 44-81-10, Bill of Rights for Residents of Long-Term Care Facilities, and S.C. Code Sections 43-35-5, et seq., Omnibus Adult Protection Act. (I)

B. A facility shall prominently display inside the facility all posted notices required in the Bill of Rights for Residents of Long-Term Care Facilities, the Omnibus Adult Protection Act, and other notices as required by law.

C. A facility shall have a grievance and complaint procedure to be exercised on behalf of the clients to enforce the Bill of Rights for Residents of Long-Term Care Facilities that includes the address and telephone number of the Department and a provision prohibiting retaliation against the client should the grievance right be exercised. Clients shall be made aware of this procedure and it shall be posted adjacent to the Bill of Rights for Residents of Long-Term Care Facilities.

D. The facility must:

1. Inform each client, parent (if the client is a minor), or legal guardian, of the client's rights and the rules of the facility;
2. Inform each client, parent (if the client is a minor), or legal guardian, of the client's medical condition, developmental and behavioral status, attendant risks of treatment, and of the right to refuse treatment;
3. Allow and encourage individual clients to exercise their rights as clients of the facility, and as citizens of the United States, including the right to file complaints, and the right to due process;
4. Allow individual clients to manage their financial affairs and teach them to do so to the extent of their capabilities;
5. Ensure that clients are not subjected to physical, verbal, sexual, or psychological abuse, punishment, neglect, or exploitation;
6. Ensure that clients are free from unnecessary drugs and physical restraints and are provided active treatment to reduce dependency on drugs and physical restraints;
7. Provide each client with the opportunity for personal privacy and ensure privacy during treatment and care of personal needs;
8. Ensure that clients are not compelled to perform services for the facility and ensure that clients who do work for the facility are compensated for their efforts at prevailing wages and commensurate with their abilities;
9. Ensure clients the opportunity to communicate, associate, and meet privately with individuals of their choice, and to send and receive unopened mail;
10. Ensure that clients have access to telephones with privacy for incoming and outgoing local and long distance calls except as contraindicated by factors identified within their individual program plans;
11. Ensure clients the opportunity to participate in social, religious, and community group activities;

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12. Ensure that clients have the right to retain and use appropriate personal possessions and clothing, and ensure that each client is dressed in his or her own clothing each day; and

13. Permit a married couple who both reside in the facility to share a room.

### **SECTION 1200—MEDICATION MANAGEMENT**

#### **1201. General (I)**

A. Medications, including controlled substances, medical supplies, and those items necessary for the rendering of first aid, shall be properly managed in accordance with state, federal, and local laws and regulations. Such management shall address the securing, storing, and administering of medications, medical supplies, first aid supplies, and biologicals, their disposal when discontinued or expired, and their disposition at discharge, transfer, or death of a client.

B. Applicable medication-related reference materials and information on the use of medications shall be readily available at each staff work area in order to provide staff members with adequate information concerning medications. At least one (1) such reference in the facility shall have been published within the previous year and none shall be older than three (3) years.

#### **1202. Medication and Treatment Orders (I)**

A. Medication and treatment, to include oxygen, shall be administered to clients only upon orders (to include standing orders) of a physician or other legally authorized healthcare provider.

B. All orders (including verbal) shall be received only by licensed nurses or other legally authorized healthcare providers, and shall be authenticated and dated by a physician or other legally authorized healthcare provider within forty-eight (48) hours. This restriction shall not be construed to prohibit the issuance and acceptance of verbal orders in other specialized departments or services in accordance with facility policies and procedures, for example, orders pertaining to respiratory therapy modalities may be given to respiratory therapy personnel and physical therapy orders to physical therapists.

C. Physicians' orders for medication, treatment, care, and diet shall be reviewed and reordered no less frequently than every three (3) months.

D. All medication orders that do not specifically indicate the number of doses to be administered or the length of time the medication is to be administered shall automatically be stopped in accordance with facility policies and procedures.

#### **1203. Administering Medication (I)**

A. Medications shall be administered in accordance with orders from the attending physician, dentist, or other individual legally authorized to prescribe medications.

B. Medications and medical supplies ordered for a specific client shall not be provided to or administered to any other client.

C. Medications shall be administered in accordance with state practice acts by individuals licensed to administer medications, including a licensed respiratory care practitioner. The administration of medication shall include, but not be limited to:

1. Removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container);

2. Verifying the dosage with the physician's orders;
3. Giving the individual dose to the proper client;
4. Monitoring the ingestion or application of the dose; and
5. Promptly recording on the medical administration records, as it is administered, the date, time, dose given, mode of administration, and identification of the individual who administered the medication.

D. Doses of medication shall be administered by the same licensed nurse or other legally authorized healthcare provider who prepared them for administration. Preparation of doses for more than one (1) scheduled administration shall not be permitted.

E. Self-administration of medications by clients shall be permitted only on the specific written orders of the client's attending physician or other legally authorized healthcare provider, verified by observation of the client by a licensed nurse, and recorded on the medication administration records by that same person. Facilities may elect to prohibit self-administration. The facility shall not allow clients to self-administer controlled substances.

F. The facility shall maintain a daily documented review of all scheduled controlled substances, Schedules II, III, IV, and V, by nurses including verification that the count was correct, and if incorrect, an explanation of the discrepancy and any corrective actions taken. The review shall include controlled substances in an unsealed emergency medication kit or cart.

G. Unlicensed persons may perform the provision of medications in accordance with the requirements of this subsection.

1. Unlicensed persons' provision of medications in a facility is limited to: oral and topical medications, regularly scheduled insulin, and prescribed anaphylactic treatments under established medical protocol. Unlicensed persons shall not provide sliding scale insulin or other injectable medications.

2. Prior to providing medications, unlicensed persons must receive training from licensed nurses or other authorized healthcare providers regarding the provision of medications. After receiving training, the unlicensed person must successfully complete a skills competency evaluation administered by a licensed nurse or other authorized healthcare provider. The training and competency evaluation shall be documented, dated, and signed by the unlicensed person and the nurse or other authorized healthcare provider in the facility's file for the unlicensed person.

3. An unlicensed staff member's obtaining and maintenance of a valid medication technician certification from the S.C. Department of Health and Human Services serves as compliance with the training and competency evaluation requirements of this subsection.

#### **1204. Pharmacy Services (I)**

A. The facility shall maintain a written agreement with a consulting pharmacist to direct, supervise, and be responsible for pharmacy services in the facility in accordance with accepted professional principles and appropriate state, federal, and local laws and regulations.

B. At least once every three (3) months the pharmacist shall:

1. Review the medication profile for each client for potential adverse reactions, allergies, interactions and laboratory modifications. The attending physician shall be advised of recommended changes in the medication regimen, medication therapy duplication, incompatibilities or contraindications;

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2. Review medication storage areas and emergency medication kits;

3. Review all medications in the facility for expiration dates and ensure the removal of discontinued or expired medications from use;

4. Verify proper storage of medications and biologicals in the facility and make recommendations concerning the handling, storing, and labeling of medications;

5. Examine the controlled substances records and affirm to the Administrator that this inventory is correct; and

6. Assess the facility's pharmaceutical services to ensure the services have been properly implemented and maintained and submit to the Administrator a written report of each pharmaceutical assessment including recommendations.

C. In addition to the services enumerated in Section 1204.B, the pharmacist shall participate in the formulation of pharmacy service policies and procedures and coordinate pharmacy services.

D. Facilities that maintain stocks of legend medications and biologicals for client use within the facility shall obtain and maintain from the South Carolina Board of Pharmacy a valid, current, non-dispensing drug outlet permit, displayed in a conspicuous place in the facility.

### **1205. Medication Containers (I)**

A. The labeling of medications and biologicals shall be based on currently accepted professional principles. Labels shall identify, at a minimum, the name of the medication or biological, strength, and lot number. As appropriate, labels shall include client name and any identifying number. The prescribing physician's name and directions for use shall be on the label. If a physician or other authorized healthcare provider changes the dosage of a medication, the medication shall be returned to the pharmacy for relabeling. In lieu of this procedure, it is acceptable to attach a label to the container that states, "Directions changed; refer to MAR and physician or other authorized healthcare provider orders for current administration instructions."

B. Medication containers that have been damaged, compromised, or without labels, or that have damaged, incomplete, or makeshift labels, are considered to be misbranded and are prohibited and shall be destroyed in accordance with Section 1209.

C. Medications for each client shall be maintained in the original container(s) including unit dose systems. Opening blister packs to remove medications for destruction or adding new medications for administration, except under the direction of a pharmacist, is prohibited.

### **1206. Medication Storage (I)**

A. Medications shall be stored and safeguarded in a locked medicine preparation room or locked cabinet at or near the staff work area to prevent access by unauthorized individuals. Medication carts utilized for storage shall be locked when not in use. Expired or discontinued medications shall not be stored with current medications. Storage areas shall not be located near sources of heat, humidity, or other hazards that may negatively impact medication effectiveness or shelf life.

B. Medications requiring refrigeration or freezing shall be stored in a refrigerator or freezer as appropriate at the temperature range established by the manufacturer used exclusively for that purpose in the medicine preparation room, or in a locked refrigerator used exclusively for medications. Food and drinks shall not be stored in the same refrigerator or freezer in which medications and biologicals are stored. Refrigerators and freezers shall be provided with a thermometer accurate to plus or minus two (2) degrees Fahrenheit. The facility

shall monitor and document the temperature of the refrigerators and/or freezers daily and maintain a written or electronic log of such temperature checks. Digital or automated temperature monitoring systems may be used, provided they record continuous temperature data, alert staff of temperature deviations, and retain records for compliance review.

C. Medications shall be stored:

1. Under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, safety, and security;
2. In accordance with manufacturers' directions and in accordance with all applicable state, federal, and local laws and regulations;
3. Separately from poisonous substances, such as cleaning and germicidal agents, or body fluids;
4. In a manner that provides for separation between topical and oral medications, and which provides for separation of each client's medication; and
5. In medicine preparation rooms or cabinets that are well-lighted and of sufficient size to permit orderly storage and preparation of medications. Keys to the medicine preparation room, cabinet, refrigerator or medication cart at the staff work area shall be under the control of a designated licensed nurse.

D. Nonlegend medications that can be obtained without a prescription such as aspirin, milk of magnesia, and mineral oil, may be retained and shall be labeled as stock in the facility for administration as ordered by a physician or other legally authorized healthcare provider.

E. The medications prescribed for a client shall be protected from use by any other individuals. For those clients who have been authorized by a physician or other legally authorized healthcare provider to self-administer medications, such medications shall be stored in accordance with facility policies and procedures.

F. Prescribed and over-the-counter medications may be maintained at bedside upon physician orders if kept in an individual cabinet or compartment that is locked, such as the drawer of the client's night stand, in the room of each client who has been authorized in writing to self-administer by a physician or other legally authorized healthcare provider, in accordance with facility policies and procedures.

G. Medications listed in Schedule II of the Federal "Controlled Substances Act" shall be stored in separately locked, permanently affixed, compartments within a locked medicine preparation room, cabinet, or medication cart, unless otherwise authorized by a change in the state or federal law pertaining to the unit dose or multi-dose system.

## **1207. Medication Control and Accountability (I)**

A. Records of receipt, administration, and disposition of all medications shall be maintained in sufficient detail to enable an accurate reconciliation. The pharmacist or designee shall verify that drug records are in order and that an account of all drugs is maintained.

B. Medications that have been discontinued may be secured in the staff work area with a written order by the attending physician. Such medications shall not be held beyond a ninety (90) day period unless so ordered by the physician or other legally authorized healthcare provider, but in no case held beyond the expiration date of the medication.

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C. Separate control sheets shall be maintained on any controlled substances listed in Schedules II, III, IV, and V, State and Federal “Controlled Substances Act.” This record shall contain the following information: date, time administered, name of client, dose, signature of individual administering, name of physician or other legally authorized healthcare provider ordering the medication and all scheduled controlled substances balances (See Section 1203.F).

### **1208. Emergency Medications (I)**

If the facility determines a need for an emergency medication kit or cart, the kit or cart shall comply with the provisions of Regulation 60-4, Controlled Substances.

### **1209. Disposition of Medications (I)**

A. Upon discharge of a client, unused medications, biologicals, medical supplies, and solutions may be released to the client, family member, or responsible party, unless prohibited by facility policies and procedures, the attending physician, or other legally authorized healthcare provider.

B. When client medications, biologicals, medical supplies, or solutions have deteriorated or exceeded their expiration date or there are partially unused medications, or medication containers are misbranded, they shall be destroyed by a licensed nurse or other legally authorized healthcare provider.

C. When non-controlled legend drugs, biologicals, medical supplies, and solutions are destroyed, the following shall be documented: date of destruction, medication name, strength, quantity, mode of destruction, and the name of the individual performing the destruction and witnessed by a licensed nurse or pharmacist.

D. The destruction of controlled substances shall be accomplished pursuant to the requirements of Regulation 60-4.

## **SECTION 1300—VITAL STATISTICS**

### **1301. General**

Facilities shall comply with Regulation 60-19, Vital Statistics, with regard to vital statistics.

### **1302. Death Certificates**

Facilities shall file death certificates in accordance with Regulation 60-19 and the South Carolina Code of Laws.

## **SECTION 1400—EMERGENCY PROCEDURES AND DISASTER PREPAREDNESS**

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

A. All facilities shall develop, by contact and consultation with their county emergency preparedness agency, a suitable written plan for actions to be taken in the event of a disaster and/or emergency evacuation and implement the written plan for actions at the time of need. In the event of mass casualties, the facility shall provide resources as available. The facility shall update its plan annually or as needed, and shall rehearse it at least annually. The facility shall maintain a record of the rehearsal, including its date and time, a summary of actions and recommendations, and the names of the participants.

B. The disaster and emergency evacuation plan shall include, but not be limited to:

1. A sheltering plan to include:

- a. Facility occupancy at the time of the disaster;
  - b. Name, address, and phone number of the sheltering facility or facilities to which the clients will be relocated during a disaster; and
  - c. A letter of agreement signed by an authorized representative of each sheltering facility which shall include: the number of relocated clients that can be accommodated; sleeping, feeding, and medication plans for the relocated clients; and provisions for accommodating relocated staff members and volunteers. The letter shall be updated with the sheltering facility at least every three (3) years and whenever significant changes occur. For those facilities located in Beaufort, Berkeley, Charleston, Colleton, Dorchester, Horry, Jasper, and Georgetown counties, at least one (1) sheltering facility shall be located in a county other than these counties.
2. A transportation plan, to include agreements with entities for relocating clients, which addresses:
- a. The relocation needs of the clients and staff contingent upon the type of disaster or emergency confronted;
  - b. Procedures for providing appropriate medical support, food, water, and medications during relocation based on the needs and number of the clients; and
  - c. Estimated time to accomplish the relocation during normal conditions; and
  - d. Primary and secondary routes to be taken to the sheltering facility.
3. A staffing plan for the relocated clients, to include:
- a. How care will be provided to the relocated clients, including licensed and nonlicensed staff members that will meet the staffing requirements of Section 604 for clients who are relocated;
  - b. Prearranged transportation arrangements to ensure staff members are relocated to the sheltering facility; and
  - c. A co-signed statement by an authorized representative of the sheltering facility if staffing, bedding, or medical supplies are to be provided by the sheltering facility.
- C. In instances where there are proposed changes in licensed bed capacity, the disaster or emergency evacuation plan shall be updated to reflect the new licensed bed capacity and submitted to the Department along with the application for bed capacity change.

#### **1402. Emergency Call Numbers**

A facility shall post emergency call data in a conspicuous place and shall include at least the telephone numbers of fire and police departments, ambulance service, and the poison control center. Other emergency call information shall be available, to include the names, addresses, and telephone numbers of staff members and volunteers to be notified in case of emergency.

#### **1403. Continuity of Essential Services (II)**

A facility shall maintain a written plan to be implemented to ensure the continuation of essential client support services for such reasons as power outage, water shortage, or in the event of the absence from work of any portion of the workforce resulting from inclement weather or other causes.

### **SECTION 1500—INFECTION CONTROL AND ENVIRONMENT**



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### 1501. Staff Practices (I)

Staff and volunteer practices shall promote conditions that prevent the spread of infectious, contagious, or communicable diseases and provide for the proper disposal of toxic and hazardous substances. These preventive measures and practices shall be in compliance with applicable regulations and guidelines of the Occupational Safety and Health Administration, for example, the Bloodborne Pathogens Standard; the Centers for Disease Control and Prevention, for example, Immunization of Health-Care Workers: Recommendations of the Advisory Committee on Immunization Practices and the Hospital Infection Control Practices Advisory Committee; Regulation 61-105; and other applicable state, federal and local laws and regulations.

### 1502. Tuberculosis Risk Assessment (I)

A. All facilities shall conduct an annual tuberculosis risk assessment in accordance with CDC guidelines to determine the appropriateness and frequency of tuberculosis screening and other tuberculosis related measures to be taken.

B. The risk classification, such as low risk or medium risk, shall be used as part of the risk assessment to determine the need for an ongoing TB screening program for staff and clients and the frequency of screening. A risk classification shall be determined for the entire facility. In certain settings, such as, healthcare organizations that encompass multiple sites or types of services, specific areas defined by geography, functional units, client population, job type, or location within the setting, may have separate risk classifications.

### 1503. Staff Tuberculosis Screening (I)

A. Tuberculosis Status. Prior to date of hire or initial client contact, the tuberculosis status of direct care staff shall be determined in the following manner in accordance with the applicable risk classification:

#### B. Low Risk:

1. Baseline two-step Tuberculin Skin Test (TST) or a single Blood Assay for *Mycobacterium tuberculosis* (BAMT): All staff (within three (3) months prior to contact with clients) unless there is a documented TST or a BAMT result during the previous twelve (12) months. If a newly employed staff has had a documented negative TST or a BAMT result within the previous twelve (12) months, a single TST (or the single BAMT) can be administered to serve as the baseline.

2. Periodic TST or BAMT is not required.

3. Post-exposure TST or a BAMT for staff upon unprotected exposure to *M. tuberculosis*: Perform a contact investigation when unprotected exposure is identified. Administer one (1) TST or a BAMT as soon as possible to all staff who have had unprotected exposure to an infectious TB case or suspect. If the TST or the BAMT result is negative, administer another TST or a BAMT eight to ten (8 to 10) weeks after that exposure to *M. tuberculosis* ended.

#### C. Medium Risk:

1. Baseline two-step TST or a single BAMT: All staff (within three (3) months prior to contact with clients) unless there is a documented TST or a BAMT result during the previous twelve (12) months. If a newly employed staff has had a documented negative TST or a BAMT result within the previous twelve (12) months, a single TST (or the single BAMT) can be administered to serve as the baseline.

2. Periodic testing (with TST or BAMT): Annually, of all staff who have risk of TB exposure and who have previous documented negative results. Instead of participating in periodic testing, staff with documented TB infection (positive TST or BAMT) shall receive a symptom screen annually. This screen shall be accomplished

by educating the staff about symptoms of TB disease (including the staff and/or direct care volunteers responses), documenting the questioning of the staff about the presence of symptoms of TB disease, and instructing the staff to report any such symptoms immediately to the Administrator or director of nursing. Treatment for latent TB infection (LTBI) shall be considered in accordance with CDC and Department guidelines and, if recommended, treatment completion shall be encouraged.

3. Post-exposure TST or a BAMT for staff upon unprotected exposure to *M. tuberculosis*: Perform a contact investigation when unprotected exposure is identified. Administer one (1) TST or a BAMT as soon as possible to all staff who have had unprotected exposure to an infectious TB case or suspect. If the TST or the BAMT result is negative, administer another TST or a BAMT eight to ten (8 to 10) weeks after that exposure to *M. tuberculosis* ended.

**D. Baseline Positive or Newly Positive Test Result:**

1. Staff with a baseline positive or newly positive test result for *M. tuberculosis* infection (such as TST or BAMT) or documentation of treatment for latent TB infection (LTBI) or TB disease or signs or symptoms of tuberculosis, such as, cough, weight loss, night sweats, or fever, shall have a chest radiograph performed immediately to exclude TB disease (or evaluate an interpretable copy taken within the previous three (3) months). These staff members will be evaluated for the need for treatment of TB disease or latent TB infection (LTBI) and will be encouraged to follow the recommendations made by a physician with TB expertise (such as the Department's TB Control program).

2. Staff with positive TST results (regardless of when that conversion was first documented) shall document that conversion, document a subsequent negative chest radiograph, and receive a negative assessment for signs and symptoms of TB before they may be hired or admitted, as appropriate.

3. Staff who are known or suspected to have TB disease shall be excluded from work, required to undergo evaluation by a physician, and permitted to return to work only with approval by the Department TB Control program. Repeat chest radiographs are not required unless symptoms or signs of TB disease develop or unless recommended by a physician.

**1504. Client Tuberculosis Screening (I)**

A. Tuberculosis Status. Prior to admission, the tuberculosis status of a client shall be determined in the following manner in accordance with the applicable risk classification:

**B. For Low Risk and Medium Risk:**

1. Admission/Baseline two-step TST or a single BAMT: All clients within one (1) month prior to admission unless there is a documented TST or a BAMT result during the previous twelve (12) months. If a newly-admitted client has had a documented negative TST or a BAMT result within the previous twelve (12) months, a single TST (or the single BAMT) can be administered within one (1) month prior to admission to the facility to serve as the baseline.

2. Periodic TST or BAMT is not required.

3. Post-exposure TST or a BAMT for clients upon unprotected exposure to *M. tuberculosis*: Perform a contact investigation when unprotected exposure is identified. Administer one (1) TST or a BAMT as soon as possible to all clients who have had exposure to an infectious TB case or suspect. If the TST or the BAMT result is negative, administer another TST or a BAMT eight to ten (8 to 10) weeks after that exposure to *M. tuberculosis* ended.

**C. Baseline Positive or Newly Positive Test Result:**

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1. Clients with a baseline positive or newly positive test result for *M. tuberculosis* infection (such as TST or BAMT) or documentation of treatment for latent TB infection (LTBI) or TB disease or signs or symptoms of tuberculosis, such as, cough, weight loss, night sweats, or fever, shall have a chest radiograph performed immediately to exclude TB disease (or evaluate an interpretable copy taken within the previous three (3) months). Routine repeat chest radiographs are not required unless symptoms or signs of TB disease develop or unless recommended by a physician. These clients will be evaluated for the need for treatment of TB disease or latent TB infection (LTBI) and will be encouraged to follow the recommendations made by a physician with TB expertise (such as the Department's TB Control program).

2. Clients with positive TST results (regardless of when that conversion was first documented) shall document that conversion, document a subsequent negative chest radiograph and receive a negative assessment for signs and symptoms of TB before they may be admitted, as appropriate.

3. Clients who are known or suspected to have TB disease shall be transferred from the facility if the facility does not have an Airborne Infection Isolation room (See Section 100.E), required to undergo evaluation by a physician, and permitted to return to the facility only with approval by the Department's TB Control program.

### **1505. Housekeeping (II)**

A. A facility and its grounds shall be uncluttered, clean, and free of vermin and offensive odors. A facility shall maintain sufficient cleaning supplies and equipment at all times. Housekeeping shall at a minimum include:

1. Cleaning each specific area, including storage areas, of the facility. Accumulated waste material shall be removed daily or more often if necessary;

2. Cleaning and disinfection, as needed, of equipment used and/or maintained in each area. Cleaning and disinfection shall be appropriate to the area and the equipment's purpose or use and shall include client room preparation for new occupants;

3. Storage and/or use of chemicals indicated as harmful on the product label, cleaning materials, and supplies shall be secure and inaccessible to clients. Further, while such chemicals, cleaning materials, and supplies are in use, facility staff shall take action to ensure that they are not available to clients;

4. Cleaning of all exterior areas, such as, porches and ramps, and removal of safety impediments such as snow, ice, and standing water; and

5. Keeping facility grounds free of weeds, rubbish, overgrown landscaping, and other potential breeding sources for vermin.

B. Dry dusting and dry sweeping are prohibited.

### **1506. Clean and Soiled Linen and Clothing (II)**

A. Clean Linen and Clothing.

1. Proper storage facilities shall be provided for keeping clean linen, restraints, and client clothes in sanitary condition prior to use. Clean linen and clothing storage rooms shall be used only for the storage of clean linen and clothing. Clean linen and clothing shall be separated from storage of other materials.

2. A supply of clean, sanitary linen and clothing shall be available at all times.

3. Clean linen and clothing shall be transported in a sanitary manner, such as, covered.

**B. Soiled Linen and Clothing.**

1. A soiled linen storage room shall be provided.
2. Soiled linen and clothing shall neither be sorted, rinsed, nor washed outside the laundry service area.
3. Provisions shall be made for collecting and transporting soiled linen and clothing.
4. Soiled linen and clothing shall be kept in enclosed or covered nonabsorbent containers or washable laundry bags.
5. Soiled linen and clothing shall not be transported through client rooms, kitchens, food preparation or storage areas.
6. If linen chutes are used, the soiled linen and clothing shall be enclosed in bags before placing in the chute.
7. Facilities shall utilize standard precautions in the handling of all soiled linen and clothing. Labeling or color-coding of bagged soiled linen and clothing is sufficient provided all on-site or off-site handlers recognize the containers as requiring compliance with standard precautions.

**1507. Contaminated Dressings and Pathological Waste (I)**

A. A facility shall dispose of all contaminated dressings, pathological, and other similar waste by incineration or other approved means. A facility shall clearly identify containers for contaminated waste as such and shall not be accessible by unauthorized persons.

B. A facility shall dispose of dressings and contaminated wastes in client rooms only if such wastes are placed in a closed, clearly identified container, double bagged, and removed from the client room after attending the client.

**1508. Refuse Disposal**

A. A facility shall deposit all garbage and refuse in suitable watertight containers. A facility shall dispose of rubbish and garbage in accordance with local requirements.

B. A facility shall cover and store refuse containers outside on an approved platform constructed of concrete, wood, or asphalt and secured in such a manner so as to prevent overturning by animals, the entrance of flies, or the creation of a nuisance. A facility shall thoroughly clean garbage and trash containers as necessary to prevent the creation of a nuisance.

**1509. Cleaning and Use of Equipment and Supplies**

A facility shall disinfect or sterilize medical equipment coming into contact with clients after each use to maintain such equipment in a clean and sanitary condition. Disposable materials and equipment shall be used by one (1) client only, in accordance with manufacturer's recommendations and then disposed of in an acceptable manner. (II)

**SECTION 1600—MEAL SERVICE****1601. General (II)**

A. Facility meal service programs shall be inspected and approved by the Department, and shall be regulated and inspected pursuant to Regulation 61-25, Retail Food Establishments. Facilities preparing food on-site and

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licensed for sixteen (16) beds or more subsequent to the promulgation of these regulations shall have kitchen equipment which meets the requirements of R.61-25. Existing facilities with sixteen (16) licensed beds or more may continue to operate with equipment currently in use; however, only certified or classified equipment shall be used when replacements are necessary. Those facilities with fifteen (15) beds or less shall be regulated pursuant to R.61-25 with certain exceptions in regard to food equipment (may utilize non-certified or non-classified food equipment).

B. When meals are catered to a facility, such meals shall be obtained from a retail food establishment permitted by the Department of Agriculture or another facility licensed by the Department, and there shall be a written executed contract with the food service establishment or other licensed facility on file in the facility.

C. If food is prepared at a central kitchen and delivered to separate facilities or separate buildings and/or floors of the same facility, the method of transportation shall be in compliance with all applicable sections of R.61-25 and approved by the Department.

D. Food shall be prepared by methods that conserve the nutritive value, flavor and appearance. The food shall be palatable, properly prepared, and sufficient in quantity and quality to meet the daily nutritional needs of the clients in accordance with written dietary policies and procedures.

E. Efforts shall be made to accommodate the religious, cultural, and ethnic preferences of each client and consider variations of eating habits, unless the orders of a physician or other legally authorized healthcare provider contraindicate.

F. Nourishment stations, if provided, shall contain a handwashing sink equipped for handwashing, equipment for serving nourishment between scheduled meals, refrigerator, and storage cabinets.

G. At least one (1) dietary refrigerator shall be provided on each client floor and shall have a thermometer accurate to plus or minus two (2) degrees Fahrenheit. In addition, if a refrigerator(s) is in a client room for food storage, the same thermometer requirement applies.

H. Medications, nursing supplies, or biologicals shall not be stored in the dietary department or any refrigerator or storage area utilized by the dietary department.

I. The preparation of meals shall only be conducted in areas of the facility that have been approved by the Department. Extended operations of a facilities meal service program shall not be located in rooms used for other purposes, for example, sleeping, living, laundry.

### **1602. Food and Food Storage (II)**

A. At least a three (3) day supply of staple foods and a two (2) day supply of perishable foods shall be maintained on the premises. Supplies shall be appropriate to meet the requirements of the menu and prescribed special or therapeutic diets.

B. All food in the facility shall be from food sources approved or considered satisfactory by the Department, and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. Home canned food usage shall be prohibited. (I)

### **1603. Food Equipment and Utensils (II)**

Drinking containers made of porous materials shall not be used unless the containers have smooth liners which can be easily cleaned. These containers and/or liners shall be sanitized at least weekly or more often as necessary and identified for individual client use. Disposable containers shall be replaced at least weekly.

**1604. Meals and Services**

A. The dining area shall provide a comfortable and relaxed environment. Table service shall be planned in an attractive and colorful manner for each meal.

B. A minimum of three (3) nutritionally-adequate meals in each twenty-four-hour (24-hour) period shall be provided for each client unless otherwise directed by the client's physician or other legally authorized healthcare provider. Clients shall be allowed to choose between a variety of foods offered. Personal preferences as to the times clients receive their meals may be honored. This may include offering smaller, more frequent meals, or snacks, or postponing meals to honor a client's request, such as, to sleep or not to eat. The condition of the client shall dictate the manner in which meal service is adjusted to suit personal preferences. Meal service systems, such as, four (4) meal plans and/or buffet dining, may be offered in order to facilitate the client receiving a variety of foods. (II)

C. Not more than fourteen (14) hours shall elapse between the scheduled serving of the evening meal and breakfast the following day. (II)

**EXCEPTION:** There may be up to sixteen (16) hours between the scheduled serving of the evening meal and breakfast the following day if approved by the client's attending physician and the client, and if a nourishing snack is provided after the evening meal.

D. Food shall be cut, chopped, ground or blended to meet individual needs.

E. The same menu items shall not be repetitively served during each seven (7) day period except to honor specific, individual client requests. Substitutes of similar nutritive value shall be offered to clients who refuse food served.

F. Food and snacks shall be available and offered between meals at no additional cost to the clients. Individual client food and snack preferences shall be honored when reasonable. (II)

**1605. Meal Service Staff (II)**

A. Sufficient staff members shall be available to serve food and to provide individual attention and assistance, as needed.

B. The facility shall maintain trained staff members to supervise the preparation and serving of the proper diet to the clients including having sufficient knowledge of food values in order to make appropriate substitutions when necessary.

C. Clients shall not be permitted to engage in food preparation unless the following criteria are met:

1. The individual program plan of the client has indicated food preparation as suitable and/or beneficial to the client; and

2. The client is directly supervised by staff members, for example, a staff member in the food preparation area with the client.

D. Meal service staff shall have the responsibility of accompanying the food to the floor, when necessary.

**1606. Diets (II)**

A. All diets shall be prescribed, dated and signed by the physician and be prepared in conformance with physicians' orders giving consideration to individual client preferences.

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B. The necessary equipment for preparation of client diets shall be available and utilized.

C. A diet manual published within the previous five (5) years shall be available and shall address at a minimum:

1. Food sources and food quality;
2. Food protection storage, preparation and service;
3. Meal service staff health and cleanliness;

4. Dietary Reference Intakes (DRIs) of the Food and Nutrition Board of the Institute of Medicine, National Academy of Sciences food serving recommendations; and

5. Menu planning, including plans appropriate to special needs, such as, diabetic, low-salt, low-cholesterol, or other diets appropriate for clients.

### **1607. Menus**

A. Menus shall be planned and written at a minimum of four (4) weeks in advance and dated as served. The current week's menu, including routine and special diets and any substitutions or changes made, shall be readily available. At least the current day's menu shall be posted in one (1) or more conspicuous places in a public area. All substitutions made on the master menu shall be recorded in writing. Cycled menus shall be rotated so that the same weekly menu is not duplicated for at least a period of two (2) weeks.

B. Each menu shall be approved in writing by a dietitian before meals are prepared and served.

C. A file of tested recipes, adjusted to appropriate yield, shall correspond to items on the posted menus.

### **1608. Ice and Drinking Water (II)**

A. Ice shall be prepared on-site from a water system in accordance with Regulation 61-58, State Primary Drinking Water Regulations, or shall come from a source permitted under Regulation 61-32, Wholesale Bottled Water, Soft Drink, and Ice Manufacturing. Ice shall be available and precautions taken to prevent contamination. The ice scoop shall be stored in a sanitary manner outside the ice container in an inverted self-draining position and allowed to air dry. The ice scoop and holding tray shall be sanitized daily.

B. Potable drinking water shall be available and accessible to clients at all times.

C. The use of common cups shall be prohibited.

D. Ice delivered to client areas in bulk shall be in nonporous, covered containers that shall be cleaned after each use.

E. Drinking fountains of a sanitary angle jet design shall be properly regulated and maintained. There shall be no possibility of the mouth or nose becoming submerged. If drinking fountains are not provided, single service cups shall be used.

## **SECTION 1700—FIRE PREVENTION**

### **1701. Arrangements for Fire Department Response and Protection (I)**

A. A facility shall develop, in coordination with its supporting fire department and/or disaster preparedness agency, a suitable written plan for actions to be taken in the event of fire and other emergencies. All employees shall be made familiar with these plans and instructed as to required action.

B. A facility shall meet all of the requirements prescribed by the South Carolina State Fire Marshal.

C. Where a facility is located outside of a service area or range of a public fire department, a facility shall make arrangements to have the nearest fire department respond in case of fire. A facility shall keep a copy of the agreement on file in the facility.

#### **1702. Fire Response Training (I)**

A. Each employee of the facility shall receive within twenty-four (24) hours of initial client contact and annually thereafter instructions covering:

1. The fire plan;
2. The fire evacuation plan, including routes and procedures;
3. How to report a fire;
4. How to use the fire alarm system;
5. Location and use of fire-fighting equipment;
6. Methods of containing a fire; and
7. Specific responsibilities of the individual.

B. A facility shall maintain records of training including the date, names of participating individuals, and a description of the training.

#### **1703. Fire Drills (I)**

A. A facility shall conduct a fire drill for each shift at least once every three (3) months.

B. A facility shall maintain records of drills including the date, time, shift, and names of individuals participating, description of the drill, and evaluation.

C. Fire drills shall be designed and conducted to:

1. Ensure that all personnel are capable of performing assigned tasks or duties;
2. Ensure that all personnel know the location, use, and operation of fire-fighting equipment;
3. Ensure that all personnel are thoroughly familiar with the fire plan; and
4. Evaluate the effectiveness of plans and personnel.

### **SECTION 1800—DESIGN AND CONSTRUCTION**

#### **1801. General (II)**



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A facility shall be planned, designed, and equipped to provide and promote the health, safety, and well-being of each client. Facility design shall be such that all clients have access to required services.

### **1802. Codes and Standards (II)**

A. A facility shall be approved for code compliance by local officials (zoning and building) prior to licensure by the Department.

B. Facility design and construction shall comply with applicable provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.

C. Unless specifically required otherwise by the Department, all facilities shall comply with the codes and regulations applicable at the time its license was issued.

D. Any facility that closes, has its license revoked, or surrenders its license and applies for re-licensure at the same site shall be considered a new building and shall meet the current codes, regulations, and requirements for the building and its essential equipment and systems in effect at the time of application for re-licensing.

### **1803. Submission of Plans (II)**

A. Plans and specifications shall be prepared by an architect and/or engineer registered in South Carolina. Unless directed otherwise by the Department, a facility shall submit plans at the schematic, design development, and final stages. All plans shall be drawn to scale. Any construction changes from the approved documents shall be approved by the Department. Construction work shall not commence until a plan approval has been received from the Department. During construction the Owner shall employ a registered architect and/or engineer for observation. Upon approval of the Department, construction administration may be performed by an entity other than the architect. The Department shall conduct periodic inspections throughout each project.

B. Plans and specifications shall be submitted to the Department for new construction and for a project that has an effect on:

1. The function of a space;
2. The accessibility to or of an area;
3. The structural integrity of the facility;
4. The active and/or passive fire safety systems (including kitchen equipment such as exhaust hoods or equipment required to be under an exhaust hood);
5. Doors;
6. Walls;
7. Ceiling system assemblies;
8. Exit corridors;
9. Life safety systems; or
10. Increases the occupant load or licensed capacity of the facility.

C. All subsequent addenda, change orders, field orders, and documents altering the Department review must be submitted. Any substantial deviation from the accepted documents shall require written notification, review and re-approval from the Department.

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

E. Any construction work which violates codes or standards shall be required to be brought into compliance.

#### **1804. Construction Permits**

All projects shall obtain all required permits from the locality having jurisdiction. Construction without proper permitting shall not be inspected by Department.

#### **1805. Client Rooms**

A. Facilities with sixteen (16) or more beds shall provide cubicle curtains with built-in curtain tracks in all multiple bed rooms which will shield each client completely. Curtains shall be flameproof.

B. Beds must be placed at least three (3) feet apart. (II)

C. At least one (1) private room shall be provided in each control station area for purposes of medical isolation, incompatibility, personality conflicts, or other.

#### **1806. Control Station**

A control station shall serve not more than forty-four (44) beds, unless additional services and facilities are provided. In order to permit a control station to serve more than forty-four (44) beds, a facility shall furnish justification showing how the additional beds served will not adversely affect the healthcare provided to each client.

#### **1807. Utility Rooms**

A. Soiled Utility Room. Facilities with sixteen (16) or more beds shall provide at least one (1) soiled utility room per control station which contains a clinical sink, work counter, handwash sink, waste receptacle and soiled linen receptacle.

B. Clean Utility Room. Facilities with sixteen (16) or more beds shall provide at least one (1) clean utility room per control station which contains a counter with a handwash sink and space for the storage and assembly of supplies for nursing procedures.

C. A soiled linen holding and clean linen holding room shall be provided in facilities with sixteen (16) or more beds.

### **SECTION 1900—FIRE PROTECTION EQUIPMENT AND SYSTEMS (I)**

#### **1901. Fire Alarms and Sprinklers**

A. A facility shall include a partial, manual, automatic, and supervised fire alarm system. A facility shall arrange the fire alarm system to transmit an alarm automatically to a third party by an approved method. A facility shall provide a fire alarm system that notifies all occupiable areas and floors of the building by audible

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and visual alarm. A facility shall provide a fire alarm system that shuts down central recirculating systems and outside air units that serve the area(s) of alarm origination at a minimum.

B. A facility shall include all fire, smoke, heat, sprinkler flow, or manual fire alarming devices or systems that connect to the main fire alarm system and triggers the system when activated.

C. A facility shall include a sprinkler system.

D. A facility shall include a fire alarm pull station in or near each control station.

### **1902. Emergency Generator Service**

A. Facilities shall provide certification that construction and installation of the emergency generator service, when provided, complies with provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.

B. An emergency generator shall deliver emergency electrical service during interruption of the normal electrical service to the distribution system as follows:

1. Exit lights and exit directional signs;
2. Exit access corridor lighting;
3. Lighting of means of egress and staff work areas;
4. Fire detection and alarm systems;
5. Client care areas;
6. Signal system;
7. Equipment necessary for maintaining telephone service and all life safety systems;
8. Elevator service that will reach every client floor where rooms are located other than the ground floor;
9. Fire pump;
10. Equipment for heating client rooms;
11. Public restrooms;
12. Essential mechanical equipment rooms;
13. Battery-operated lighting and a receptacle in the vicinity of the emergency generator;
14. Alarm systems, water flow alarm devices, and alarms required for medical gas systems; and
15. Client records when solely electronically based.

## **SECTION 2000—PREVENTATIVE MAINTENANCE**

A facility shall keep the structure, component parts, amenities and equipment in good repair and operating condition. Repairs and the replacement of component parts, including repairs to equipment requiring routine

testing, shall be documented and retained by the facility. A facility shall comply with provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.

## **SECTION 2100—EQUIPMENT AND SYSTEMS**

### **2101. Gases (I)**

A. Gases, flammable and nonflammable, shall be handled and stored in compliance with provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.

B. Safety precautions shall be taken against fire and other hazards when oxygen is dispensed, administered, or stored. “No Smoking” signs shall be posted conspicuously, and cylinders shall be properly secured in place in an upright position. In “Smoke-Free” facilities, “No Smoking” signs shall not be required in, and in the vicinity of, client rooms where oxygen is being administered provided all four (4) of the following conditions are met:

1. Smoking is prohibited;
2. The facility’s nonsmoking policy is strictly enforced;
3. “Smoke-Free” signs are strategically placed at all major entrances; and
4. The facility has “No Smoking” signs in, and in the vicinity of, client rooms where oxygen is stored as well as all other required areas.

### **2102. Furnishings and Equipment (I)**

A. A facility shall maintain the physical plant free of fire hazards or impediments to fire prevention.

B. A facility shall not permit portable electric or unvented fuel heaters.

C. Fireplaces and fossil-fuel stoves, or wood-burning, shall have partitions or screens or other means to prevent burns. Fireplaces shall be vented to the outside. A facility shall not use unvented gas logs. Gas fireplaces shall have a remote gas shutoff within the room and not inside the fireplace.

D. A facility shall require all wastebaskets, window dressings, portable partitions, cubicle curtains, mattresses, and pillows to be noncombustible, inherently flame-resistant, or treated or maintained flame-resistant.

## **SECTION 2200—WATER SUPPLY, HYGIENE, AND TEMPERATURE CONTROL (II)**

A. Plumbing fixtures that require hot water and which are accessible to clients shall be supplied with water that is thermostatically controlled to a temperature of at least one hundred (100) degrees Fahrenheit and not to exceed one hundred twenty (120) degrees Fahrenheit at the fixture.

B. The water heater or combination of heaters shall be sized to provide at least six (6) gallons per hour per licensed bed at the temperature range indicated in Section 2200.A.

C. Hot water supplied to the kitchen equipment and utensil washing sink shall be supplied as required by R.61-25.

D. Hot water provided for washing linen shall not be less than one hundred sixty (160) degrees Fahrenheit. Should chlorine additives or other chemicals which contribute to the margin of safety in disinfecting linen be a

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part of the washing cycle, the minimum hot water temperature shall not be less than one hundred ten (110) degrees Fahrenheit, provided hot air drying is used.

### **SECTION 2300—ELECTRICAL**

#### **2301. General (I)**

A facility shall maintain all electrical installations and equipment in a safe, operable condition in accordance with the applicable codes and shall be inspected at least annually by a licensed electrician, registered engineer, or certified electrical inspector.

#### **2302. Panelboards (II)**

A facility shall label the panelboard directory to conform to the room numbers and/or designations.

#### **2303. Lighting**

A. A facility shall provide adequate lighting in spaces occupied by persons, machinery, and equipment within buildings, approaches to buildings, and parking lots. (II)

B. A facility shall provide adequate artificial light and sufficient illumination for reading, observation, and activities. A facility shall provide general lighting in all parts of every client room and at least one (1) light fixture for night lighting in every client room. A facility shall provide a reading light for each client.

C. A facility shall provide switched lighting in all client sleeping rooms. Switches shall be located at the client sleeping room door.

D. A facility shall provide lighting in hallways, stairs, and other means of egress at all times.

#### **2304. Receptacles (II)**

A. A facility shall provide duplex grounding type receptacles in each client room with one (1) duplex receptacle at the head of each bed in compliance with provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.

B. Each client bed location shall have a minimum of two (2) duplex receptacles.

C. Each client bed location shall be supplied by at least two (2) branch circuits.

D. Duplex receptacles for general use shall be installed approximately fifty (50) feet apart in all corridors and within twenty-five (25) feet of the ends of corridors.

#### **2305. Ground Fault Protection (I)**

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

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

#### **2306. Exit Signs (I)**

A. A facility shall identify all required exits and ways to access thereto with electronically-illuminated exit signs bearing the word “Exit” in red letters.

B. A facility shall mark changes in egress direction with exit signs with directional arrows.

C. A facility shall maintain exit signs in corridors that indicate two (2) directions of exit, where appropriate.

## **SECTION 2400—HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) (II)**

A. A facility shall not install a HVAC supply or return grille within three (3) feet of a smoke detector. (I)

B. A facility shall not install HVAC grilles in floors.

C. Return air ducts shall be filtered and maintained to prevent the entrance of dust, dirt, and other contaminating materials. The system shall not discharge in a manner that would be an irritant to clients, staff, or visitors.

D. A facility shall have each shower, bath, and restroom with either operable windows or have approved mechanical ventilation.

## **SECTION 2500—GENERAL CONSTRUCTION REQUIREMENTS**

### **2501. Common Areas (II)**

A. A facility shall provide a minimum of thirty (30) square feet per bed of living, recreational, and dining area combined, excluding bedrooms, halls, kitchens, bathrooms, and rooms not available to clients.

B. A facility shall provide all required care, treatment, and services in a manner that does not require clients to ambulate from one site to another outside the building(s), nor impedes clients from ambulating from one site to another due to the presence of physical barriers.

C. A facility shall ensure methods of visual and auditory privacy between client and staff, volunteers, or visitors.

D. A facility shall provide physical space for private client, family, and/or responsible party visiting.

E. A facility shall provide accommodations for family privacy after a client’s death.

### **2502. Client Rooms**

A. With the exception of furniture (unless otherwise allowed by facility policy), a client shall have the choice of bringing familiar items from home as part of the furnishing to his or her room, such as, wall pictures, paintings, vases, or other. Each client room shall be equipped with the following as a minimum for each client:

1. A comfortable single bed having a mattress with moisture-proof cover, sheets, blankets, bedspread, pillow, and pillowcases. Roll-away type beds, cots, bunkbeds, and folding beds shall not be used. It is permissible to utilize a recliner in lieu of a bed or remove a client bed and place the mattress on a platform or pallet provided the physician or other authorized healthcare provider has approved it and the decision is documented in the plan of care. (II)

**EXCEPTION:** In the case of a married couple sharing the same room, a double bed is permitted if requested. For all other requirements, this shall be considered a bedroom with two (2) licensed beds. A roll-away type bed or cot may be temporarily used for family or responsible party staying overnight with the client.

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2. A facility shall provide a closet or wardrobe, a bureau consisting of at least three (3) drawers, and a compartmentalized bedside table or nightstand to adequately accommodate each client's personal clothing, belongings, and toilet articles. Built-in storage is permitted.

3. A comfortable chair shall be available for each client occupying the room. In facilities licensed prior to the promulgation of this regulation, if the available square footage of the client room will not accommodate a chair for each client or if the provision of multiple chairs impedes client ability to freely and safely move about within their room, the facility shall provide at least one (1) chair and have additional chairs available for temporary use in the client's room by visitors.

B. If hospital-type beds are used, there shall be at least two (2) lockable casters on each bed, located either diagonally or on the same side of the bed.

C. Beds shall not be placed in corridors, solaria, or other locations not designated as client room areas. (I)

D. No client room shall contain more than two (2) licensed beds. (II)

E. No client room shall be located in a basement.

F. Access to a client room shall not be by way of another client room, toilet, bathroom, or kitchen.

G. A facility shall provide equipment such as bedpans, urinals, and hot water bottles, necessary to meet client needs. Permanent positioning of a portable commode at bedside shall only be permitted if the room is private, the commode is maintained in a sanitary condition, and the room is of sufficient size to accommodate the commode. (II)

H. Side rails may be utilized when required for safety and when ordered by a physician or other authorized healthcare provider. When there are special concerns, such as, clients with Alzheimer's disease and/or related dementia, side rail usage shall be monitored by staff members as per facility policies and procedures. (I)

I. In semi-private rooms, when personal care is being provided, arrangements shall be made to ensure privacy in accordance with Section 1805.A.

J. A facility shall provide at least one (1) private room for assistance in addressing client compatibility issues, client preferences, and accommodations for clients with communicable disease.

K. Infants and small children shall not be assigned to a room with an adult client unless requested by clients and families.

### 2503. Client Room Floor Area

A. Each client room shall have an outside window. This window shall not open onto a common area screened porch. (I)

B. The client room floor area is a usable or net area and does not include wardrobes (built-in or freestanding), closets, or the entry alcove to the room. The following is the minimum floor space allowed: (II)

1. Rooms for only one (1) client: at least eighty (80) square feet for the licensed bed (there shall be compliance with the minimum square footage requirements of Section 2503.B.2 in instances when family members or responsible party routinely utilize a separate bed for overnight stays with the client);

2. Rooms for more than one (1) client: at least sixty (60) square feet per licensed bed.

C. There shall be at least three (3) feet between beds. (II)

#### **2504. Visitor Accommodations**

A. If provided, visitor designated or guest rooms shall not be utilized by clients, prospective clients, or staff members of the facility.

B. No supervisory care shall be given to visitors of the facility, for example, first aid response by staff, tray service, or other supervisory care.

C. Visitors shall be made aware of those provisions and accommodations available so that they may serve themselves, such as, towels, sheets, soap, or other provisions.

D. Any conduct of the visitors which may have an adverse effect on the clients or facility must be promptly and prudently handled, such as client or staff abuse.

E. Those visiting, as well as the clients with whom they are visiting, shall be made fully aware of the conditions under which their stay is acceptable.

F. A facility shall provide adequate space of privacy for the family and significant others at the time of a client's death.

#### **2505. Baths and Restrooms (II)**

A. A facility shall have an appropriate number of restrooms to accommodate clients, staff, and visitors. A facility shall have one (1) toilet for each four (4) licensed beds or a fraction thereof and one (1) bathtub or shower for each twelve (12) licensed beds or a fraction thereof.

B. A facility shall have accessible restrooms during all operating hours.

C. A facility shall equip all restrooms with at least one (1) toilet fixture, toilet paper installed in a holder, a lavatory supplied with hot and cold running water, liquid or granulated soap, single-use disposable paper towels or electric air dryer, and a covered waste receptacle. A facility shall provide soap, bath towels, and washcloths to each client as needed. A facility shall not store bath linens assigned to specific clients in centrally located restrooms.

D. A facility shall have approved grab bars securely fastened on at least one (1) side of all toilet fixtures used by clients.

E. A facility shall provide privacy at toilet fixtures and urinals.

F. A facility shall provide restrooms for persons with disabilities in compliance with provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.

G. A facility shall completely cover all restroom floors with an approved, nonabsorbent covering. A facility shall have restroom walls with nonabsorbent, washable surfaces to the highest level of splash.

#### **2506. Control Stations**

A. A facility shall provide control stations for nursing and/or other direct care staff. A facility shall design and construct (or set up) control stations in a manner conducive to the type of care provided by the facility or that specific area of the facility and the types of clients served.



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B. At or near each control station, there shall be a telephone, an area for maintaining client records and making entries, and a toilet and handwashing sink.

C. At or near each control station, a facility shall make provisions for the following:

1. Secured storage of medications, which may be accomplished by the use of a separately secured medication cart, container, cabinet, or room, provided:

a. The method or methods used are of sufficient size to allow for neat, clean, and orderly storage of medications;

b. Separations are provided for the storage of each client's medications; and

c. Separations are provided for oral and topical medications.

2. Work space or area for the preparation of medications, which may be a counter, table top, or a separate room, to include being a part of a separate medication room.

D. A facility shall not allow a control station to serve more than forty-four (44) beds.

E. A facility shall not have any client room located more than one hundred fifty (150) feet from the control station serving that client room.

F. A facility shall have utility areas or rooms for separate storage of clean and soiled supplies and equipment at or near each control station. A facility shall require each utility area to contain a handwashing sink, work counter, waste receptacle, and space for the storage of supplies.

### **2507. Doors (II)**

A. A facility shall have opaque doors on restrooms for the purpose of privacy.

B. A facility shall require all glass doors, including sliding or patio type doors, to have a contrasting or other indicator that causes the glass to be observable, for example, a decal located at eye level.

C. Doors that have locks shall be unlockable and openable with one action.

D. A facility shall have provisions for emergency entry if client room doors are lockable.

E. Any locked room door in the facility shall have the ability to unlock and open from inside the room.

### **2508. Elevators (II)**

A facility shall have elevators inspected and tested upon installation, prior to first use, and annually thereafter by a certified elevator inspector.

### **2509. Handrails and Guardrails (II)**

A. A facility shall provide handrails on at least one (1) side of each corridor.

B. A facility shall provide guardrails forty-two (42) inches high on all porches, walkways, and recreational areas (such as decks and the like) elevated thirty (30) inches or more above grade in compliance with provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.

**2510. Janitor's Closet (II)**

A facility shall have at least one (1) lockable janitor's closet per forty-four (44) licensed beds. Facilities having multiple housing units shall have at least one (1) lockable janitor's closet per each housing unit. A facility shall equip each closet with a mop sink or receptor and space for the storage of supplies and equipment.

**2511. Storage Areas**

A. A facility shall provide adequate general storage areas for client, staff, and volunteer belongings and equipment. A facility shall provide at least ten (10) square feet of general storage per bed throughout the facility.

B. A facility shall provide separate storage for beds, wheel chairs, and other equipment.

C. A facility shall not store supplies and equipment directly on the floor. A facility shall not store supplies and equipment susceptible to water damage or contamination under sinks or other areas with a propensity for water leakage. (II)

**2512. Telephone Service**

A. A facility shall make at least one (1) telephone available and easily accessible on each floor of the facility for use by clients and/or visitors for their private, discretionary use. Telephones shall be portable to accommodate bedridden or ambulatory-impaired clients. Telephones capable of only local calls are acceptable for this purpose, provided other arrangements exist to provide client and visitor discretionary access to a telephone capable of long-distance service.

B. A facility shall provide at least one (1) telephone on each floor for staff members and volunteers to conduct routine business of the facility and to summon assistance in the event of an emergency.

**2513. Location**

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

B. Parking. A facility shall have a parking area to reasonably satisfy the needs of clients, staff members, volunteers, and visitors.

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

**2514. Outdoor Area**

A. A facility shall enclose all unsafe, unprotected physically hazardous outdoor areas with a fence or natural barrier the size, shape, and density to effectively impede travel to the hazardous area. The outdoor hazardous areas of a facility include, but are not limited to, steep grades, cliffs, open pits, high voltage electrical equipment, high speed or heavily traveled roads, roads exceeding two (2) lanes excluding turn lanes, ponds, and swimming pools. (I)

B. A facility shall have a gate in any fence required as part of a fire exit from the building and the gate in the fence shall unlock in case of emergency in compliance with provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal. (I)

C. A facility shall protect mechanical or equipment rooms open to the outside of the facility from unauthorized individuals. (II)

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### **SECTION 2600—SEVERABILITY**

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

### **SECTION 2700—GENERAL**

Conditions which have not been addressed in this regulation shall be managed in accordance with the best practices as interpreted by the Department.

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

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

#### **Statement of Rationale:**

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The Department proposes to amend R.61-13 to implement new statutory requirements concerning the provision of medications by unlicensed persons in ICF/IIDs, to better ensure the safety and wellbeing of clients of ICF/IIDs, and to align state licensing standards with applicable federal regulations.

Document No. 5352  
**DEPARTMENT OF PUBLIC HEALTH**  
CHAPTER 60

Statutory Authority: 2023 Act No. 60, effective July 1, 2024

- 61-3. The Practice of Selling and Fitting Hearing Aids.
- 61-4. Controlled Substances.
- 61-7. Emergency Medical Services.
- 61-8. Immunization Requirements for School and Childcare Attendance.
- 61-12. Standards for Licensing Abortion Clinics.
- 61-13. Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities.
- 61-15. Certification of Need for Health Facilities and Services.
- 61-16. Minimum Standards for Licensing Hospitals and Institutional General Infirmaries.
- 61-17. Standards for Licensing Nursing Homes.
- 61-19. Vital Statistics.
- 61-20. Communicable Diseases.
- 61-21. Sexually Transmitted Diseases.
- 61-22. The Evaluation of Staff of Schools and Child Care Centers for Tuberculosis.
- 61-24. Licensed Midwives.
- 61-31. Health Care Cooperative Agreements.
- 61-45. South Carolina Central Cancer Registry.
- 61-75. Standards for Licensing Day Care Facilities for Adults.
- 61-77. Standards for Licensing Home Health Agencies.
- 61-78. Standards for Licensing Hospices.
- 61-80. Neonatal Screening for Inborn Metabolic Errors and Hemoglobinopathies.
- 61-84. Standards for Licensing Community Residential Care Facilities.
- 61-91. Standards for Licensing Ambulatory Surgical Facilities.
- 61-93. Standards for Licensing Facilities for Chemically Dependent or Addicted Persons.

- 61-94. WIC Vendors.
- 61-95. Medicaid Nursing Home Permits.
- 61-97. Standards for Licensing Renal Dialysis Facilities.
- 61-102. Standards for Licensing Birthing Centers for Deliveries by Midwives.
- 61-103. Residential Treatment Facilities for Children and Adolescents.
- 61-108. Standards for Licensing Freestanding or Mobile Technology.
- 61-109. Standards for Permitting Body Piercing Facilities.
- 61-111. Standards for Licensing Tattoo Facilities.
- 61-112. Implementation of Emergency Health Powers Act.
- 61-114. South Carolina Birth Defects Program.
- 61-116. South Carolina Trauma Care Systems.
- 61-118. South Carolina Stroke Care System.
- 61-120. South Carolina Immunization Registry.
- 61-122. Standards for Licensing In-Home Care Providers.
- 61-123. Critical Congenital Heart Screening on Newborns.
- 61-125. Standards for Licensing Crisis Stabilization Unit Facilities.

### Synopsis:

Pursuant to Section 14(B) of 2023 Act No. 60 (Act), the health-related regulations currently under Chapter 61 – Department of Health and Environmental Control of the S.C. Code of Regulations are transferred to DPH. In accordance with this provision, DPH proposes transferring all the regulations listed above from Chapter 61 to the new Chapter 60 in the S.C. Code of Regulations, with the Chapter title of Department of Public Health. Additionally, DPH proposes amending references to the Department of Health and Environmental Control, including definitions, acronyms, email addresses, physical addresses, and other references in each listed regulation to conform to the provisions of 2023 Act No. 60. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the July 26, 2024, South Carolina State Register.

### Section-by-Section Discussion of Amendments:

| Regulation/Section | Type of Change | Purpose  |
|--------------------|----------------|--|
| <b>Chapter 60</b>  | Add            | Add Chapter 60 to the S.C. Code of Regulations                         |
| <b>R.61-3</b>      |                |  |
| Regulation Number  | Revision       | Amend regulation number to move to Chapter 60.                         |
| Section I(b)       | Revision       | Amend Department definition to mean Department of Public Health (DPH). |
| Section 101(e)     | Revision       | Amend Department reference to DPH.                                     |
| Section 105(a)     | Revision       | Amend Department reference to DPH.                                     |
| Section 204        | Revision       | Amend Department reference to DPH.                                     |
| <b>R.61-4</b>      |                |  |
| Regulation Number  | Revision       | Amend regulation number to move to Chapter 60.                         |

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|                                   |          |   |
|-----------------------------------|----------|---|
| Section 102(d), (j), (k), and (u) | Revision | Amend Department definition to mean DPH and amend Department references to DPH. |
| Section 103                       | Revision | Amend Department reference to DPH and remove Department mailing address.        |
| Section 104                       | Revision | Amend Department reference to DPH.  |
| Section 109(b) and (d)            | Revision | Amend Department reference to DPH.  |
| Section 110(a) and (c)            | Revision | Amend Department reference to DPH.  |
| Section 202(a)                    | Revision | Amend Department reference to DPH.  |
| Section 203(b) and (c)            | Revision | Amend Department reference to DPH.  |
| Section 304(a)                    | Revision | Amend Department reference to DPH.  |
| Section 314(c) and (d)            | Revision | Amend Department reference to DPH.  |
| Section 317                       | Revision | Amend Department reference to DPH and remove Department mailing address.        |
| Section 319(a)                    | Revision | Amend Department reference to DPH.  |
| Section 406(b)                    | Revision | Amend Department reference to DPH.  |
| Section 407(c)                    | Revision | Amend Department reference to DPH.  |
| Section 801(e)                    | Revision | Amend Department reference to DPH.  |
| Section 809(a)                    | Revision | Amend Department reference to DPH.  |
| Section 903                       | Revision | Amend Department reference to DPH and remove Department mailing address.        |
| Section 1001(a)(3)                | Revision | Amend Department reference to DPH.  |
| Section 1008                      | Revision | Amend Department reference to DPH.  |
| Section 1009(e)                   | Revision | Amend Department reference to DPH.  |
| Section 1010                      | Revision | Amend Department reference to DPH.  |
| Section 1011                      | Revision | Amend Department reference to DPH.  |
| Section 1012(b)                   | Revision | Amend Department reference to DPH.  |
| Section 1101(g)                   | Revision | Amend Department reference to DPH.  |
| Section 1202(b)(4)                | Revision | Amend Department reference to DPH.  |

|                         |          |  |
|-------------------------|----------|--|
| Section 1404(a)         | Revision | Amend Department reference to DPH and remove Department mailing address. |
| Section 1701(a)         | Revision | Amend Department reference to DPH and remove Department mailing address. |
| Section 1702(a) and (b) | Revision | Amend Department reference to DPH and remove Department mailing address. |
| Section 1901            | Revision | Amend Department reference to DPH.                                       |
| Section 1903            | Revision | Amend Department reference to DPH.                                       |
| Section 1904            | Revision | Amend Department reference to DPH.                                       |
| Section 1911(b)         | Revision | Amend Department reference to DPH and remove Department mailing address. |
| Section 1917            | Revision | Amend Department reference to DPH.                                       |
| Section 1920            | Revision | Amend Department reference to DPH.                                       |
| Section 1921            | Revision | Amend Department reference to DPH.                                       |
| <b>R.61-7</b>           |          |  |
| Regulation Number       | Revision | Amend regulation number to move to Chapter 60.                           |
| Section 101(N)          | Revision | Amend Department definition to mean DPH.                                 |
| Section 1204(B) and (C) | Revision | Amend regulation number to reflect move to Chapter 60.                   |
| <b>R.61-8</b>           |          |  |
| Regulation Number       | Revision | Amend regulation number to move to Chapter 60.                           |
| <b>R.61-12</b>          |          |  |
| Regulation Number       | Revision | Amend regulation number to move to Chapter 60.                           |
| Section 101.F           | Revision | Amend Department definition to mean DPH.                                 |
| Section 304.H           | Revision | Amend to remove Department reference.                                    |
| Section 403.A           | Revision | Amend to update Department reference.                                    |
| Section 403.A.2         | Revision | Amend regulation number to reflect move to Chapter 60.                   |
| Section 803.A.1         | Revision | Amend Department unit reference to DPH.                                  |
| Section 803.E           | Revision | Amend Department reference to DPH.                                       |
| Section 804             | Revision | Amend Department unit reference to DPH.                                  |

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|                           |          |  |
|---------------------------|----------|--|
| Part IX.A                 | Revision | Amend Department unit reference to DPH.                                  |
| Part IX.B                 | Revision | Amend Department unit reference to DPH.                                  |
| Part IX.B.1               | Revision | Amend Department reference to Department of Environmental Services.      |
| Part IX.E                 | Revision | Amend Department unit reference to DPH.                                  |
| <b>R.61-13</b>            |          |  |
| Regulation Number         | Revision | Amend regulation number to move to Chapter 60.                           |
| <b>R.61-15</b>            |          |  |
| Regulation Number         | Revision | Amend regulation number to move to Chapter 60.                           |
| Section 101.5             | Revision | Amend Department definition to mean DPH.                                 |
| Section 102.2             | Revision | Amend Department reference to DPH.                                       |
| Section 301.2             | Revision | Amend Department reference to DPH and remove Department mailing address. |
| Section 303.1             | Revision | Amend Department reference to DPH.                                       |
| <b>R.61-16</b>            |          |  |
| Regulation Number         | Revision | Amend regulation number to move to Chapter 60.                           |
| Section 101.D             | Revision | Amend Department definition to mean DPH.                                 |
| Section 702               | Revision | Amend Department email address to DPH.                                   |
| Section 1302.B and C      | Revision | Amend Department reference to DPH.                                       |
| Section 1313.C            | Revision | Amend Department reference to DPH.                                       |
| Section 1402.A            | Revision | Amend regulation number to reflect move to Chapter 60.                   |
| Section 1403              | Revision | Amend regulation number to reflect move to Chapter 60.                   |
| Section 2003              | Revision | Amend Department email address to DPH.                                   |
| <b>R.61-17</b>            |          |  |
| Regulation Number         | Revision | Amend regulation number to move to Chapter 60.                           |
| Section 101.Q             | Revision | Amend Department definition to mean DPH.                                 |
| Section 102.A.1 through 3 | Revision | Amend regulation numbers to reflect move to Chapter 60.                  |
| Section 201.C             | Revision | Amend Department unit reference to DPH.                                  |
| Section 703               | Revision | Amend regulation number to reflect move to Chapter 60.                   |

|                                   |          |   |
|-----------------------------------|----------|---|
| Section 804.B.8                   | Revision | Amend regulation number to reflect move to Chapter 60.  |
| Section 1309.D                    | Revision | Amend regulation number to reflect move to Chapter 60.  |
| <b>R.61-19</b>                    |          |   |
| Regulation Number                 | Revision | Amend regulation number to move to Chapter 60.  |
| Section 100.K                     | Revision | Amend Department definition to mean DPH.  |
| Section 100.CC                    | Revision | Amend regulation number to reflect move to Chapter 60.  |
| <b>R.61-20</b>                    |          |   |
| Regulation Number                 | Revision | Amend regulation number to move to Chapter 60.  |
| Section 1.A(1), (9), and (10)     | Revision | Amend Department reference to DPH. Amend Department definition to mean DPH. Amend Director definition to reflect DPH. |
| Section 7                         | Revision | Amend Department reference to DPH.  |
| Section 13                        | Revision | Amend Board and Department references to DPH and Director of DPH.   |
| <b>R.61-21</b>                    |          |   |
| Regulation Number                 | Revision | Amend regulation number to move to Chapter 60.  |
| Section A(3)                      | Revision | Amend Department definition to mean DPH.  |
| Section B                         | Revision | Amend Department reference to DPH.  |
| Section L(2)                      | Revision | Amend Department reference to DPH.  |
| <b>R.61-22</b>                    |          |   |
| Regulation Number                 | Revision | Amend regulation number to move to Chapter 60.  |
| Section II.B                      | Revision | Amend Department definition to mean DPH.  |
| Section II.C                      | Revision | Amend Department reference to DPH.  |
| Section III.A.4 and C.1 through 5 | Revision | Amend Department reference to DPH.  |
| Section IV.A                      | Revision | Amend Department reference to DPH and remove Department mailing address.  |
| Section IV.B                      | Revision | Amend form number for accuracy.   |
| <b>R.61-24</b>                    |          |   |
| Regulation Number                 | Revision | Amend regulation number to move to Chapter 60.  |
| Section A.2.h                     | Revision | Amend Department definition to mean DPH.  |



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|   |          |   |
|---|----------|---|
| Section O.3.d                           | Revision | Amend Department form and unit reference for accuracy.  |
| Section P.1.a                           | Revision | Amend Commissioner reference to Director and Department reference to DPH.                         |
| <b>R.61-31</b>                          |          |   |
| Regulation Number                       | Revision | Amend regulation number to move to Chapter 60.  |
| Section 102.4)                          | Revision | Amend Department definition to mean DPH.  |
| Section 202(d).8                        | Revision | Amend regulation number to reflect move to Chapter 60.  |
| Section 301                             | Revision | Amend Department unit reference to DPH and remove Department mailing address.                     |
| Section 305                             | Revision | Amend Department reference to DPH.  |
| <b>R.61-45</b>                          |          |   |
| Regulation Number                       | Revision | Amend regulation number to move to Chapter 60.  |
| Section B.1, 9, 10, and 11              | Revision | Amend Department definition to mean DPH and amend Board and Department references to DPH.         |
| Section C.1 through C.3.a through C.3.f | Revision | Amend Department references to DPH.   |
| Section E                               | Revision | Amend Department reference and Department unit reference to DPH.                                  |
| Section F.1 and 3                       | Revision | Amend Department references to DPH.   |
| Section G.3 through 5                   | Revision | Amend Department references to DPH.   |
| <b>R.61-75</b>                          |          |   |
| Regulation Number                       | Revision | Amend regulation number to move to Chapter 60.  |
| Section 101.K                           | Revision | Amend Department definition to mean DPH.  |
| Section 603                             | Revision | Amend regulation number to reflect move to Chapter 60 and amend Department unit reference to DPH. |
| <b>R.61-77</b>                          |          |   |
| Regulation Number                       | Revision | Amend regulation number to move to Chapter 60.  |
| Section 101.H                           | Revision | Amend Department definition to mean DPH.  |
| <b>R.61-78</b>                          |          |   |
| Regulation Number                       | Revision | Amend regulation number to move to Chapter 60.  |
| Section 100.J                           | Revision | Amend Department definition to mean DPH.  |

|                           |          |   |
|---------------------------|----------|---|
| Section 704               | Revision | Amend regulation number to reflect move to Chapter 60.  |
| <b>R.61-80</b>            |          |   |
| Regulation Number         | Revision | Amend regulation number to move to Chapter 60.  |
| Table of Contents         | Deletion | Amend to delete Department form references.   |
| Section A                 | Revision | Amend Department reference to DPH.  |
| Section B.5 through 8     | Revision | Amend Department definition to mean DPH and amend Department references to DPH. Amend Department unit reference for accuracy and amend Commissioner reference for Director. |
| Section H                 | Revision | Amend Department form references for accuracy and remove references to appendices.  |
| Appendix A                | Deletion | Amend to delete Department form.  |
| Appendix B                | Deletion | Amend to delete Department form.  |
| Appendix C                | Deletion | Amend to delete Department form.  |
| <b>R.61-84</b>            |          |   |
| Regulation Number         | Revision | Amend regulation number to move to Chapter 60.  |
| Section 101.P             | Revision | Amend Department definition to mean DPH.  |
| Section 102.A.1           | Revision | Amend regulation number to reflect move to Chapter 60.  |
| Section 603               | Revision | Amend regulation number to reflect move to Chapter 60.  |
| <b>R.61-91</b>            |          |   |
| Regulation Number         | Revision | Amend regulation number to move to Chapter 60.  |
| Section 101.R             | Revision | Amend Department definition to mean DPH.  |
| Section 102.A.1 through 4 | Revision | Amend regulation numbers to reflect move to Chapter 60.   |
| Section 103.E.9           | Revision | Amend regulation number to reflect move to Chapter 60.  |
| Section 103.L.2           | Revision | Amend regulation number to reflect move to Chapter 60.  |
| Section 603               | Revision | Amend regulation number to reflect move to Chapter 60.  |
| Section 702.D.3           | Revision | Amend regulation number to reflect move to Chapter 60.  |
| Section 1007.A.2          | Revision | Amend regulation number to reflect move to Chapter 60.  |
| <b>R.61-93</b>            |          |   |

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|                         |          |   |
|-------------------------|----------|---|
| Regulation Number       | Revision | Amend regulation number to move to Chapter 60.  |
| <b>R.61-94</b>          |          |   |
| Regulation Number       | Revision | Amend regulation number to move to Chapter 60.  |
| Section 101(A) and (C)  | Revision | Amend Department definition to mean DPH and amend Department references to DPH. Amend Department unit reference to DPH. |
| Section 801             | Revision | Amend administrative appeals to remove DHEC Board and conform to statute.   |
| <b>R.61-95</b>          |          |   |
| Regulation Number       | Revision | Amend regulation number to move to Chapter 60.  |
| Section 101.A           | Revision | Amend Department definition to mean DPH.  |
| Section 105.B           | Revision | Amend Department unit reference to DPH and remove Department mailing address.   |
| <b>R.61-97</b>          |          |   |
| Regulation Number       | Revision | Amend regulation number to move to Chapter 60.  |
| Section 101.K           | Revision | Amend Department definition to mean DPH.  |
| Section 102.B.2         | Revision | Amend regulation number to reflect move to Chapter 60.  |
| Section 602.A           | Revision | Amend regulation number to reflect move to Chapter 60 and amend Department unit reference to DPH.                       |
| <b>R.61-102</b>         |          |   |
| Regulation Number       | Revision | Amend regulation number to move to Chapter 60.  |
| Section A(1)(d)         | Deletion | Remove Board definition as DHEC Board is no longer established.   |
| Section A(1)(g) and (j) | Revision | Amend Department definition to mean DPH and amend Department references to DPH.   |
| Section D(7)(b)(6)      | Revision | Amend Department reference for DPH and clarify form number.   |
| Section H(3)(e)         | Revision | Amend Department reference to DPH.  |
| Section L(1) and (2)(a) | Revision | Amend Department and Department unit reference to DPH and to SCDES.   |
| <b>R.61-103</b>         |          |   |
| Regulation Number       | Revision | Amend regulation number to move to Chapter 60.  |
| <b>R.61-108</b>         |          |   |

|                           |          |   |
|---------------------------|----------|---|
| Regulation Number         | Revision | Amend regulation number to move to Chapter 60.  |
| Section 101.M             | Revision | Amend Department definition to mean DPH.  |
| Section 101.P             | Revision | Amend regulation number to reflect move to Chapter 60.  |
| Section 102.A.1 through 4 | Revision | Amend regulation number to reflect move to Chapter 60.  |
| Section 102.I             | Revision | Amend Department unit reference to SCDES.   |
| Section 601.A.1           | Revision | Amend Department unit reference to DPH.   |
| Section 601.B             | Revision | Amend Department unit reference to DPH.   |
| Section 602               | Revision | Amend Department unit reference to DPH and amend Department contact information for fire notifications and reports. |
| Section 603               | Revision | Amend regulation number to reflect move to Chapter 60.  |
| Section 604               | Revision | Amend Department unit reference to DPH.   |
| Section 605               | Revision | Amend Department unit reference to DPH.   |
| Section 606               | Revision | Amend regulation number to reflect move to Chapter 60.  |
| Section 607               | Revision | Amend Department unit reference to DPH.   |
| Section 608.A and B       | Revision | Amend Department unit reference to DPH.   |
| Section 702.F and G       | Revision | Amend Department unit reference to DPH.   |
| Section 901.B             | Revision | Amend Department unit reference to DPH.   |
| Section 1001.D.4          | Revision | Amend Department unit reference to DPH.   |
| Section 1006.E            | Revision | Amend Department unit reference to DPH.   |
| Section 1007.A.2 and B    | Revision | Amend regulation number to reflect move to Chapter 60 and amend Department unit reference to DPH.                   |
| Section 1302.B.2          | Revision | Amend Department unit reference to DPH.   |
| <b>R.61-109</b>           |          |   |
| Regulation Number         | Revision | Amend regulation number to move to Chapter 60.  |
| Section 100.I             | Revision | Amend Department definition to mean DPH.  |
| <b>R.61-111</b>           |          |   |
| Regulation Number         | Revision | Amend regulation number to move to Chapter 60.  |

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|                                    |          |  |
|------------------------------------|----------|--|
| Section 100.K                      | Revision | Amend Department definition to mean DPH.   |
| <b>R.61-112</b>                    |          |  |
| Regulation Number                  | Revision | Amend regulation number to move to Chapter 60.   |
| Section 1                          | Revision | Amend regulation numbers to reflect move to Chapter 60.  |
| Section 2                          | Revision | Amend regulation number to reflect move to Chapter 60.   |
| Section 2, Commissioner Definition | Revision | Amend Commissioner definition to Director of DPH.  |
| Section 3                          | Revision | Amend Department references to DPH.  |
| Section 4                          | Revision | Amend Department references to DPH and amend Commissioner reference to Director.               |
| Section 5                          | Revision | Amend Department references to DPH and amend regulation numbers to reflect move to Chapter 60. |
| Section 6                          | Revision | Amend Department references to DPH.  |
| Section 7                          | Revision | Amend Department references to DPH and amend Commissioner references to Director.              |
| Section 8                          | Revision | Amend Department references to DPH.  |
| Section 9                          | Revision | Amend Department references to DPH and amend Commissioner references to Director.              |
| Section 10.A through C             | Revision | Amend Department references to DPH and amend Commissioner references to Director.              |
| <b>R.61-114</b>                    |          |  |
| Regulation Number                  | Revision | Amend regulation number to move to Chapter 60.   |
| Section A                          | Revision | Amend Department reference to DPH.   |
| Section B.2                        | Revision | Amend Department definition to mean DPH.   |
| <b>R.61-116</b>                    |          |  |
| Regulation Number                  | Revision | Amend regulation number to move to Chapter 60.   |
| Section 100.D                      | Revision | Amend Department definition to mean DPH.   |
| <b>R.61-118</b>                    |          |  |
| Regulation Number                  | Revision | Amend regulation number to move to Chapter 60.   |
| Section 100.F                      | Revision | Amend Department definition to mean DPH.   |
| <b>R.61-120</b>                    |          |  |

|                         |          |   |
|-------------------------|----------|---|
| Regulation Number       | Revision | Amend regulation number to move to Chapter 60.                                  |
| Section B.2             | Revision | Amend Department definition to mean DPH.  |
| <b>R.61-122</b>         |          |   |
| Regulation Number       | Revision | Amend regulation number to move to Chapter 60.                                  |
| <b>R.61-123</b>         |          |   |
| Regulation Number       | Revision | Amend regulation number to move to Chapter 60.                                  |
| Section 102.A, B, and C | Revision | Amend Department definition to mean DPH and amend Department references to DPH. |
| <b>R.61-125</b>         |          |   |
| Regulation Number       | Revision | Amend regulation number to move to Chapter 60.                                  |

**Instructions:**

Amend the aforementioned regulations pursuant to each individual instruction provided with the text of the amendments below.

**Text:****Add Chapter 60 to the S.C. Code of Regulations****CHAPTER 60****Department of Public Health****61-3. The Practice of Selling and Fitting Hearing Aids.**

Statutory Authority: 1976 Code Sections 40-25-30 et seq.

**Amend R.61-3 regulation number and move to Chapter 60 to read:**

60-3. The Practice of Selling and Fitting Hearing Aids.

**Amend R.61-3.I(b) to read:**

(b) The Department: The South Carolina Department of Public Health.

**Amend R.61-3, Section 101(e) to read:**

(e) Application for Examination Fee: An application for examination shall be accompanied by a check or money order made payable to the South Carolina Department of Public Health in the amount of fifty dollars (\$50.00). It shall be understood by the applicant that the examination fee shall in no instance be refunded, applied as payment for temporary permit, or transferred to the license fee.

**Amend R.61-3, Section 105(a) to read:**

(a) All fees shall be made payable to the South Carolina Department of Public Health and are not transferable.

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### **Amend R.61-3, Section 204 to read:**

Conditions arising which have not been covered in these regulations shall be handled in accordance with the best practices as interpreted by the South Carolina Department of Public Health.

### **61-4. Controlled Substances.**

Statutory Authority: S.C. Code Section 44-53-280(a).

### **Amend R.61-4 regulation number and move to Chapter 60 to read:**

60-4. Controlled Substances.

### **Amend R.61-4, Section 102(d), (j), (k), and (u) to read:**

(d) Bureau Director. The Director of the Bureau of Drug Control, DPH.

(j) DPH. The South Carolina Department of Public Health.

(k) Director. Unless otherwise specified, the Director of the Department of Public Health.

(u) Long Term Care Facility (LTCF). Nursing home, intermediate care, mental care, or other facility or institution which provides extended health care to resident patients and is licensed as such by DPH or other appropriate State agency, which may further define the term for licensing and certification purposes.

### **Amend R.61-4, Section 103 to read:**

Information regarding procedures under these rules and special instructions supplementing these rules will be furnished upon request by writing to the Bureau of Drug Control, DPH.

### **Amend R.61-4, Section 104 to read:**

Registration and re-registration fees shall be paid at the time when the application for registration is submitted for filing. Payment shall be made in the form of a personal, certified or cashier's check, money order, credit card or online electronic payment, made payable to DPH. Payments made in the form of stamps, foreign currency, or third party endorsed checks will not be accepted. In the event that the application is not accepted for filing or is denied, the payment shall be refunded to the applicant.

### **Amend R.61-4, Section 109(b) and (d) to read:**

(b) An individual practitioner who is affiliated with one or more other individual practitioners in any legitimate and lawful form of business arrangement (i.e., partnership, professional association, etc.) shall be registered individually with DPH prior to engaging in any form of controlled substances activity, pursuant to the provisions of S.C. Code Ann. §§ 44-53-290 and 44-53-370(a)(1). With the written Power of Attorney of another affiliated practitioner within the group, any other affiliate individual practitioner may administer or dispense (other than by prescribing) controlled substances within the regular course of professional practice if and to the extent the practitioner granting the power of attorney has authorized. (For example, Dr. X and Dr. Y are partners; they shall be individually registered in order to utilize controlled substances in their practice; if Dr. X desired, he or she could issue Dr. Y a power of attorney to utilize Dr. X's office stock of controlled substances to administer an injection of product CRx to Dr. Y's Patient, Mrs. A. while she is in the office. Dr. Y may not, however, sign Dr. X's name to prescriptions, nor may Dr. Y use Dr. X's registration number to obtain stocks of controlled substances for himself or herself or his or her own office stock.) Any power of attorney, once granted, may be revoked by the grantor in writing. Nothing in this Section shall be construed to relieve the grantor of any power

of attorney of any responsibility for the proper storage, record keeping, handling, or legitimate use of any controlled substances acquired by the grantor; nor shall anything be construed as relieving the grantee practitioner from full and complete responsibility for his or her actions conducted pursuant to the power of attorney or for controlled substances acquired or utilized pursuant to this paragraph.

(d) Individual practitioners permitted under the provisions of Federal Regulation 21 CFR § 1301.24 to dispense, administer, or prescribe controlled substances under the registration of a hospital or other institution which is registered, in lieu of personal registration, are prohibited from this practice by the provisions of S.C. Code Ann. §§ 44-53-290 and 44-53-370(a)(1). No prescriptions issued within this State shall be dispensed by any person registered with DPH unless the individual practitioner issuing the prescription holds a valid individual practitioner registration with DEA. Nothing shall prevent the dispensing of such prescriptions if they are co-signed by an individual practitioner holding a valid individual registration with the DEA and DPH, providing that the co-signing practitioner has established a valid practitioner-patient relationship as set forth by §§ 1103 and 1204 of this Regulation prior to the dispensing of the controlled substance. Nothing in this paragraph shall preclude any pharmacy or dispensary operated by the Federal government on any property or enclave not subject to State jurisdiction from any act permitted under Federal law or regulation, nor shall it preclude the dispensing of out-of-state prescriptions as permitted by § 114 of this Regulation.

**Amend Section 110(a) and (c) to read:**

(a) The requirement of registration is waived for any official of the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service or Bureau of Prisons who is authorized to prescribe, dispense or administer, but not procure or purchase controlled substances in the course of his or her official duties, provided such prescribing, dispensing, and administering of controlled substances takes place upon a military reservation or other Federal enclave. Practitioners who issue prescriptions for controlled substances which are to be dispensed from governmental stocks shall be exempt from registration. Any practitioner who issues prescriptions for controlled substances which are to be dispensed from non-governmental pharmacies or dispensaries shall register with DPH prior to issuing such prescriptions.

(c) Practitioners who register annually with DPH are granted an exemption to the fee requirement pursuant to Section 1303 of this regulation, provided that the request for exemption to the fee requirement is filed in writing with the Bureau Director. The written request must contain a military picture ID of the requestor, as well as documentation of the name and location of the military installation or hospital facility where the practitioner is located.

**Amend R.61-4, Section 202(a) to read:**

(a) If the person is required to be registered, and is not so registered and is applying for registration;

(1) As a practitioner, pharmacy, mid-level practitioner, animal control, animal shelter, health clinic, EMS, rescue squad, or hospice, he or she shall apply on the applicable DPH form or its electronic equivalent;

(2) As a narcotic treatment program, he or she shall apply on the applicable DPH form or its electronic equivalent;

(3) As a distributor, canine unit, researcher, exporter, importer, broker, analytical or forensic laboratory, manufacturer or hospital, he or she shall apply on the applicable DPH form or its electronic equivalent.

**Amend R.61-4, Section 203(b) and (c) to read:**

(b) Practitioners registered with DPH desiring to perform incidental research on or with controlled substances under the provisions of S.C. Code Ann. § 44-53-300(c) are not required to furnish the formal protocol (except for narcotic substances as is required under Federal law), but shall instead provide a written summary of the



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proposed research, including the scope, the substance to be utilized, the number of research subjects (and their identity if protection from prosecution is desired), the duration of the research and the estimated usage of the controlled substance. Insofar as is practical, the dispensing of the controlled substance utilized in a valid research project shall be performed by the researcher or a particular dispenser or small group of dispensers in order to maintain adequate control. While not imperative to DPH, notice of any participating dispensaries or pharmacies should be made to the Bureau of Drug Control in order that inadvertent and unnecessary investigations of normally unusual dispensing practices may be avoided.

(c) DPH may require additional information or updating of protocols from time to time, but not more often than annually, unless a major change or deviation from previously submitted protocols or summaries is discovered. It is the responsibility of the person conducting the research project to notify DPH prior to any change in a protocol.

### **Amend R.61-4, Section 304(a) to read:**

(a) The Bureau Director, in his or her discretion, may grant provisional registration as a Researcher, Manufacturer, Distributor, Importer, or Exporter to any applicant, pending such applicant's obtaining a registration under Federal law. The duration of such provisional registration shall not exceed one year, and may not be renewed. Upon the granting of Federal registration, the provisional registration may be converted to a permanent registration by DPH, which may renew such registration in the same manner as any other regular registration. If the Bureau Director does not find it in the public interest to grant a provisional registration, or to convert a provisional registration into a regular registration in the manner provided above, procedures set forth in S.C. Code Ann. § 44-53-320 for denial of registration shall be followed.

### **Amend R.61-4, Section 314(c) and (d) to read:**

(c) At any other hearing for the denial of a registration, DPH shall have the burden of proving that the requirements for such registration pursuant to the Act are not satisfied.

(d) At any hearing for the revocation or suspension of a registration, DPH shall have the burden of proving that the requirements of the Act for such suspension or revocation are satisfied.

### **Amend R.61-4, Section 317 to read:**

Any registrant may apply to modify his or her registration to authorize the handling of additional controlled substances or to change his or her name or address, by submitting a letter of request to the Bureau of Drug Control, DPH. The letter shall contain the registrant's name, address, and registration number as printed on the Certificate of Registration, and the substances and/or schedules to be added to his or her registration or the new name or address and shall be signed in accordance with § 202(d). If the modification in registration is approved, the Bureau Director shall issue a new Certificate of Registration to the registrant, who shall maintain it with the old Certificate of Registration until expiration.

### **Amend R.61-4, Section 319(a) to read:**

(a) Upon the transfer of ownership of a controlling interest in any partnership, corporation, holding company, association, or other business entity holding a registration under the Act, which is not a personal registration as an individual or a proprietorship registration involving a single individual registrant, the registration held prior to any transfer of any controlling interest or controlling ownership shall terminate upon the effective date of the transfer, and a new registration shall be obtained if the business entity is to continue controlled substances activity. DPH may, in its discretion, permit a transferor-registrant to permit the transferee to continue operation pursuant to a written power of attorney for a period of not more than 60 days, during the pendency of obtaining a new registration for the transferee.

**Amend R.61-4, Section 406(b) to read:**

(b) The registrant shall notify the Bureau of Drug Control, DPH, of the loss or theft of any controlled substances upon discovery of such loss or theft. The registrant shall also complete DEA Form 106 regarding such loss or theft.

**Amend R.61-4, Section 407(c) to read:**

(c) Upon the second such diversion, the registrant shall be required to appear before the designated hearing officer of DPH to provide, under oath, the security measures that the registrant has effected and plans to effect in the future to prevent further diversion by theft.

**Amend R.61-4, Section 801(e) to read:**

(e) DPH, upon a finding that a registrant has maintained inadequate records, or upon a finding that the registrant has a history of poor or inadequate record keeping, may, in its discretion, require perpetual inventories of all or a part on the controlled substances possessed or otherwise utilized or handled by such registrant (or an applicant for new registration having a history of record keeping deficiencies) as a condition for granting or renewing controlled substances registration. DPH, upon a finding that adequate record keeping has been maintained for two or more years, pursuant to a perpetual inventory requirement, may remove the requirement and permit the registrant to resume standard record keeping activities with or without a probationary period of registration, as DPH deems proper.

**Amend R.61-4, Section 809(a) to read:**

(a) Each person registered or authorized by DPH to maintain and/or detoxify controlled substances users in a narcotic treatment program shall maintain records with the following information for each narcotic controlled substance:

**Amend R.61-4, Section 903 to read:**

Any purchaser may authorize one or more individuals, whether or not located at the registered location of the purchaser, to obtain and execute order forms on his or her behalf by executing a power of attorney for each such individual. The power of attorney shall be signed by the same person who signed (or was authorized to sign) the most recent application for registration or re-registration and by the individual being authorized to obtain and execute order forms. The power of attorney shall be filed with the executed order forms of the purchaser, and shall be retained for the same period as any order form bearing the signature of the attorney. The power of attorney shall be available for inspection together with other order form records. Any power of attorney shall be available for inspection together with other order form records. Any power of attorney may be revoked at any time by executing a notice of revocation, signed by the person who signed (or was authorized to sign) the power of attorney or by a successor, whoever signed the most recent application for registration or re-registration, and filing it with the power of attorney being revoked. The forms are available from Director of the Bureau of Drug Control, DPH.

**Amend R.61-4, Section 1001(a)(3) to read:**

(3) Registered with DPH under the provisions of the Act.

**Amend R.61-4, Section 1008 to read:**

DPH will not register any person to conduct an authorized maintenance program for drug dependent persons until approval of such program has been made by the appropriate federal agencies. Upon approval by these agencies, the Bureau of Drug Control shall accept the application for registration as complete.

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### **Amend R.61-4, Section 1009(e) to read:**

(e) Any maintenance facility shall be approved by DPH and the appropriate federal agencies.

### **Amend R.61-4, Section 1010 title to read:**

#### **1010. Approved Uses of Methadone in Hospitals. Methadone is Approved for the Following Uses for Inpatients of Hospitals Licensed by DPH.**

### **Amend R.61-4, Section 1011 to read:**

(a) Prior approval by DPH for methadone use as set forth in § 1010 of this regulation is not required.

(b) Prior approval of DPH and registration as provided by Title 21, § 1301.22(a)(6) of the Code of Federal Regulations and S.C. Code Ann. § 44-53-290(i), is required of all persons desiring to operate a treatment program utilizing methadone (i.e., a “methadone maintenance program”).

(c) Prior approval by DPH in the manner set forth by § 1012 of this regulation is not required to dispense methadone to outpatients of a hospital licensed by DPH. Prior approval of DPH is not required for “take home” methadone preparations which are lawfully dispensed by a methadone maintenance treatment facility.

(d) Approvals by DPH, as required by §§ 1009 through 1012 of this regulation, may be granted by the Bureau of Drug Control in its discretion. If the Bureau finds that it cannot approve a request, the request shall be submitted to the Director, along with the Bureau’s reasons for non-approval. The Director, in his or her discretion, may then approve or deny the request, but if he or she shall deny such request, the person making the request shall be entitled to a hearing to determine the public interest, in the manner provided for “contested cases” in the South Carolina Administrative Procedures Act.

(e) DPH may require further information from any applicant in order to obtain sufficient information to be utilized in approving or denying any request.

### **Amend R.61-4, Section 1012(b) to read:**

(b) The treating physician shall agree to maintain adequate records to substantiate the use of methadone as an analgesic for the patient and shall make such records available to DPH upon request.

### **Amend R.61-4, Section 1101(g) to read:**

(g) A prescription prepared in accordance with § 1003 written for a Schedule II narcotic controlled substance for a patient enrolled in a hospice care program certified and/or paid for by Medicare under Title XVIII of the Social Security Act, or a hospice program which is licensed by DPH may be transmitted by the practitioner or the practitioner’s agent to the dispensing pharmacy by facsimile. The practitioner or the practitioner’s agent shall note on the prescription that the patient is a hospice patient. The facsimile serves as the original written prescription for purposes of this paragraph (g) and shall be maintained in accordance with § 603 (d). The written, signed, and voided prescription shall be maintained in the medical record of the patient.

### **Amend R.61-4, Section 1202(b)(4) to read:**

(4) Any such computerized system shall have the capability of producing a print-out of any refill data which the user pharmacy is responsible for maintaining under the Act and its implementing regulation. For example, this would include a refill-by-refill audit trail for any specified strength and dosage form of any controlled substance (by either brand or generic name or both.) Such a print-out shall indicate name of the prescribing practitioner, name and address of the patient, quantity dispensed on each refill, date of dispensing for each refill,

name or identification code of the dispensing pharmacist and the number of the original prescription order. In any computerized system employed by a user pharmacy the central record-keeping location shall be capable of sending the print-out to the pharmacy within 48 hours, and if a DEA Special Agent or compliance Investigator or an Inspector from DPH requests a copy of such print-out from the user pharmacy it shall, if requested to do so by the Agent, Investigator, or Inspector verify the print-out transmittal capability of its system by documentation (e.g. postmark).

**Amend R.61-4, Section 1404(a) to read:**

(a) Any registrant desiring to discontinue business activities altogether or with respect to controlled substances (without transferring such business activities to another person) shall return for cancellation his or her South Carolina Controlled Substances Certificate of Registration to the Bureau of Drug Control, DPH. His or her Federal Controlled Substances Certificate of Registration and any un-executed order forms shall be returned to the DEA, 1835 Assembly Street, Suite 1229, Columbia, SC 29201.

**Amend R.61-4, Section 1701(a) to read:**

(a) Any person registered to conduct a bona fide research project with controlled substances under the Act who intends to maintain the confidentiality of those persons who are the subjects of such research, shall, upon registration or within a reasonable time thereafter, submit to the Bureau of Drug Control, DPH, a separate request for each research project involving controlled substances, which shall contain the following:

**Amend R.61-4, Section 1702(a) and (b) to read:**

(a) Upon registration of a practitioner to engage in research in controlled substances under the Act, the Bureau of Drug Control, DPH, on its own motion or upon request in writing from the Director or from the practitioner, may exempt the registrant when acting within the scope of his or her registration, from prosecution under State or local laws for offenses relating to possession, distribution or dispensing of those controlled substances within the scope of his or her exemption. However, this exemption does not diminish any requirement of compliance with the Federal Food, Drug and Cosmetic Act (21 USC 301, et seq.) or with the Federal Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801, et seq.).

(b) All petitions for Grants of Exemption from Prosecution for the Researcher shall be addressed to the Director, Bureau of Drug Control, DPH, and shall contain the following:

**Amend R.61-4, Section 1901 to read:**

All hospitals (except those owned and operated by the federal government) shall be registered with DPH in controlled substances schedules II through V inclusive.

**Amend R.61-4, Section 1903 to read:**

A resident may prescribe or order the administration of controlled substances for patients within a hospital or residency training program, provided, that such resident has completed his or her course of study in a recognized college of medicine and has been duly licensed by the Board of Medical Examiners of South Carolina to practice medicine within this state, and has duly registered with DPH and the DEA under the respective Controlled Substances Acts.

**Amend R.61-4, Section 1904 to read:**

The administrative head of the hospital as a registrant under the Controlled Substances Act is responsible for the proper safeguarding and handling of controlled substances within the hospital. Responsibility for storage, accountability, and proper dispensing of controlled substances from the pharmacy may be delegated to a

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pharmacist employed by the hospital. Likewise, the Director of Nursing is usually delegated the authority for proper storage at nursing stations, and use, as directed by physician orders. However, delegation of authority does not relieve the administrator of the hospital of supervisory responsibility to insure detection and correction or any diversion of mishandling. The administrator shall be certain that all possible control measures are observed, and that any suspected diversion or mishandling of controlled substances is reported immediately to the Bureau of Drug Control for investigation. The administrator is ultimately responsible that all thefts be reported to DPH pursuant to §§ 410 through 411 of this Regulation.

### **Amend R.61-4, Section 1911(b) to read:**

(b) Recurring shortages: In cases of recurring shortages or loss of significant quantities of controlled substances (several doses), a thorough investigation shall be made, making every effort to determine the reason for the shortages, and the person responsible for the shortage, if possible. A complete report of the incident and findings shall be made to the administrative authority of the hospital. Appropriate action shall be taken immediately to prevent recurrence. A copy of the report, including any findings resulting from the local investigations, and a theft report, as required by § 408, shall be forwarded to the Bureau of Drug Control, DPH.

### **Amend R.61-4, Section 1917 to read:**

The administrative head of the hospital shall, upon service of an inspection warrant by an inspector of the Bureau of Drug Control, DPH, or if such administrative head chooses, voluntarily without inspection warrant, (acting pursuant to the informed consent to inspection delineated as a condition of registration upon the application for registration and the registration certificate issued to the registrant by DPH) make available to such inspector all dispensing and administering records of controlled substances, for the purpose of audit of said controlled substances, as well as records of receipt and disposition of all controlled substances acquired by the hospital. Inspectors shall not divulge information contained on patient records that do not concern controlled substances or other drugs restricted to prescription use only.

### **Amend R.61-4, Section 1920 to read:**

These regulations are considered to be a general but minimal required control level in the opinion of the Bureau of Drug Control, DPH. More stringent control for the institution in question or special interpretations of these regulations may be approved by a special meeting with the Bureau of Drug Control, and the administrator or designated pharmacy and therapeutics committee of the respective hospital every 3 to 5 years when the need is felt for such clarification. The intent of Part 1900 of this regulation is to insure adequate control and accountability of controlled substances utilized in health care without duly hindering or restraining the delivery of such care. Accountability and an accurate audit at periodic intervals are the crux of the adequate control system.

### **Amend R.61-4, Section 1921 to read:**

At the request of the institution under examination and/or the Bureau of Drug Control, DPH, the S.C. Society of Hospital Pharmacists may furnish a recognized local authority on Institutional Medication Delivery and Control Systems to accompany the agent/or inspector and act as a consultant to the institution in question on rectifying flaws in the system under scrutiny.

### **61-7. Emergency Medical Services.**

Statutory Authority: S.C. Code Sections 44-61-10 et seq., 44-78-10 et seq., and 44-80-10 et seq.

### **Amend R.61-7 regulation number and move to Chapter 60 to read:**

60-7. Emergency Medical Services.

**Amend R.61-7, Section 101(N) to read:**

N. Department. The South Carolina Department of Public Health.

**Amend R.61-7, Section 1204(B) and (C) to read:**

B. The EMS Agency shall store all medications in accordance with applicable state and federal laws. The EMS Agency shall maintain an inventory of the stock and distribution of all controlled substances in a manner that the disposition of any particular item is readily traced and pursuant to Regulation 60-4, Controlled Substances.

C. The EMS Agency shall ensure controlled substances listed in Schedules II, III, IV, and V shall be stored in a double locked system and kept in a manner consistent with Regulation 60-4 and federal Drug Enforcement Administration (DEA) regulations. The EMS Agency shall ensure medications are monitored and attended to prevent access by unauthorized individuals. The EMS Agency shall ensure expired or discontinued medications are not to be stored with current medications.

**61-8. Immunization Requirements for School and Childcare Attendance.**

Statutory Authority: S.C. Code Sections 44-29-40(A) and 44-29-180 (2002 & Supp. 2012).

**Amend R.61-8 regulation number and move to Chapter 60 to read:**

60-8. Immunization Requirements for School and Childcare Attendance.

**61-12. Standards for Licensing Abortion Clinics.**

Statutory Authority: S.C. Code Sections 44-7-130 and 260; 44-41-10 et seq.; and 44-93-100.

**Amend R.61-12 regulation number and move to Chapter 60 to read:**

60-12. Standards for Licensing Abortion Clinics.

**Amend R.61-12, Section 101.F to read:**

F. Department. The South Carolina Department of Public Health.

**Amend R.61-12, Section 304.H to read:**

H. Products of conception resulting from the abortion procedure must be managed in accordance with requirements for pathological waste pursuant to R.61-105, Infectious Waste Management Regulations. All contaminated dressings and/or similar waste shall be properly disposed of in accordance with R.61-105.

**Amend R.61-12, Section 403.A to read:**

A. The following shall be reported to the Department:

**Amend R.61-12, Section 403.A.2 to read:**

2. A fetal death when the fetus has completed or passed the age or weight requiring a report, pursuant to the standards in Department R. 60-19, Vital Statistics.

**Amend R.61-12, Section 803.A.1 to read:**

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1. When construction is contemplated either for new buildings, additions or major alterations to existing buildings, the facility must contact the Department to discuss code and regulation requirements that apply to that project. Plans and specifications shall be submitted to the Department for review. Where the Standard Building Code or other regulations require fire-rated walls or other fire-rated structural elements, these plans and specifications shall be prepared by an architect registered in the State of South Carolina and shall bear his/her seal.

### **Amend R.61-12, Section 803.E to read:**

E. One complete set of as-built drawings shall be filed with DPH.

### **Amend R.61-12, Section 804 introductory paragraph to read:**

When an existing structure is contemplated for licensure it must meet the same building code requirements as a “new” facility (see Section 803.A). If an expansion or renovation to an existing facility is contemplated, the facility must contact the Department to discuss code and regulatory requirements that apply to that project. The following shall be submitted to the Department:

### **Amend R.61-12, Part IX.A to read:**

A. Plans and construction must be approved by the Department.

### **Amend R.61-12, Part IX.B to read:**

B. The facility shall submit a completed application for license on forms that shall be furnished by the Department. The following documents shall be submitted with the application:

### **Amend R.61-12, Part IX.B.1 to read:**

1. Final construction approval of both water and wastewater systems by the S.C. Department of Environmental Services (includes satisfactory laboratory reports of water samples).

### **Amend R.61-12, Part IX.E to read:**

E. The Department shall inspect the facility and require compliance with these regulations.

## **61-13. Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities.**

Statutory Authority: S.C. Code Section 44-7-260.

### **Amend R.61-13 regulation number and move to Chapter 60 to read:**

60-13. Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities.

## **61-15. Certification of Need for Health Facilities and Services.**

Statutory Authority: S.C. Code Sections 44-7-110 through 44-7-340.

### **Amend R.61-15 regulation number and move to Chapter 60 to read:**

60-15. Certification of Need for Health Facilities and Services.

### **Amend R.61-15, Section 101.5 to read:**

5. **Department.** The S.C. Department of Public Health.

**Amend R.61-15, Section 102.2 to read:**

2. Until January 1, 2027, a person or health care facility as defined in this Regulation is required to obtain a Certificate of Need from the Department of Public Health before undertaking any of the following:

**Amend R.61-15, Section 301.2 to read:**

2. A non-refundable filing fee of five hundred dollars (\$500) shall be received by the S.C. Department of Public Health, within twenty (20) calendar days of the public notification pursuant to Section 201 and the Certificate of Need application pursuant to Section 301.1.

**Amend R.61-15, Section 303.1 to read:**

1. When the application is determined to be complete, the Department shall invoice the applicant, by certified mail, for the Certificate of Need application fee. The applicant shall have fifteen (15) calendar days from the date of receipt of the invoice to pay the fee by valid check or credit card made payable to the S.C. Department of Public Health. Should the application fee not be received from the applicant within fifteen (15) calendar days from receipt of the Department's invoice, the application will be considered withdrawn.

**61-16. Minimum Standards for Licensing Hospitals and Institutional General Infirmaries.**

Statutory Authority: S.C. Code Sections 44-7-110 through 44-7-394, 44-37-40, 44-37-50, and 63-7-40.

**Amend R.61-16 regulation number and move to Chapter 60 to read:**

60-16. Minimum Standards for Licensing Hospitals and Institutional General Infirmaries.

**Amend R.61-16, Section 101.D to read:**

D. Department: The South Carolina Department of Public Health.

**Amend R.61-16, Section 702 to read:**

Should a facility experience a loss of an essential service such as cooling, potable water, or electrical power, the facility shall notify the Department by email to HQEP@dph.sc.gov or other email address prescribed by the Department after ensuring the safety of the patients, but not to exceed twenty-four (24) hours from the loss of service.

**Amend R.61-16, Section 1302.B and C to read:**

B. The facility shall request that the maternity patient, the father, or the primary caregiver view the video. Those persons whom the facility requests to view the video shall sign a document prescribed by the Department of Public Health stating that they have been offered an opportunity to view the video.

C. The facility shall only use a video approved by the Director, or his/her designee, of the Department of Public Health.

**Amend R.61-16, Section 1313.C to read:**

C. Level I and II hospitals shall review all live births or fetal/neonatal deaths in which the neonate weighed at least 350 grams and less than 1500 grams, utilizing the Department's Very Low Birthweight Self-monitoring



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Tool. Each completed self-monitoring DPH form shall be retained by the facility and a copy made available to the Department as specified in the self-monitoring tool.

### **Amend R.61-16, Section 1402.A to read:**

A. For inpatient newborns a licensee shall be responsible for filing a birth certificate for all live births occurring in the licensed facility (see Regulation 60-19 for definition of live birth). The record should be filed as prescribed within five (5) days of delivery per Regulation 60-19.

### **Amend R.61-16, Section 1403 to read:**

Filing of a death certificate shall be in accordance with Regulation 60-19 and the S.C. Code of Laws.

### **Amend R.61-16, Section 2003 to read:**

The Facility shall immediately notify the Department by email to [firewatch@dph.sc.gov](mailto:firewatch@dph.sc.gov) or other email address prescribed by the Department regarding any fire, regardless of size or damage that occurs in the facility, and followed by a complete written report to include fire department reports, if any, to be submitted within a time period determined by the facility, but not to exceed 7 business days.

### **61-17. Standards for Licensing Nursing Homes.**

Statutory Authority: S.C. Code Section 44-7-260.

### **Amend R.61-17 regulation number and move to Chapter 60 to read:**

60-17. Standards for Licensing Nursing Homes.

### **Amend R.61-17, Section 101.Q to read:**

Q. Department. The South Carolina Department of Public Health.

### **Amend R.61-17, Section 102.A.1 through 3 to read:**

1. Regulation 60-4, Controlled Substances;
2. Regulation 60-19, Vital Statistics;
3. Regulation 60-20, Communicable Diseases;

### **Amend R.61-17, Section 201.C to read:**

C. Compliance with Building Standards. Licensed facilities shall be allowed to continue utilizing the previously-licensed structure without building modification and shall comply with the remainder of the standards within this regulation. Proposed facilities for which the licensee has received written approval from the Department prior to the effective date of this regulation shall be allowed to comply with the previously-approved building standards and shall comply with the remainder of the standards within this regulation. Existing facilities are not required to modify square footage of resident rooms, sitting areas, and maximum number of beds in resident rooms. (II)

### **Amend R.61-17, Section 703 to read:**

All cases of reportable diseases, animal bites, any occurrences such as epidemic outbreaks or poisonings, or other unusual occurrences that threaten the health and safety of residents or staff shall be reported in accordance with R.60-20.

**Amend R.61-17, Section 804.B.8 to read:**

8. Facilities shall comply with R.60-19 with regard to vital statistics.

**Amend R.61-17, Section 1309.D to read:**

D. The destruction of controlled substances shall be accomplished pursuant to the requirements of R.60-4. (I)

**61-19. Vital Statistics.**

Statutory Authority: S.C. Code Sections 44-63-10 et seq.

**Amend R.61-19 regulation number and move to Chapter 60 to read:**

60-19. Vital Statistics.

**Amend R.61-19, Section 100.K to read:**

K. Department. The South Carolina Department of Public Health.

**Amend R.61-19, Section 100.CC to read:**

CC. Midwife. A person licensed by the State of South Carolina who provides midwifery services as defined in Regulation 60-24, Licensed Midwives.

**61-20. Communicable Diseases.**

Statutory Authority: S.C. Code Sections 44-1-110, 44-1-140 and 44-29-10 et seq.

**Amend R.61-20 regulation number and move to Chapter 60 to read:**

60-20. Communicable Diseases.

**Amend R.61-20, Section 1.A(1), (9), and (10) to read:**

(1) “Authorized Health Officer” means an individual designated by the Director of the South Carolina Department of Public Health or his or her designee as an individual who may act as a health officer pursuant to these regulations.

(9) “Department” means the South Carolina Department of Public Health.

(10) “Director” means the Director of the South Carolina Department of Public Health.

**Amend R.61-20, Section 7 to read:**

Whenever the Department determines that a building, place or premises may pose a risk to the public health, the Department shall cause a Public Health Notice to be placed upon the outside entrance or entrances of the building, place or premises in order to warn the public of the risk. The Public Health Notice shall be in a manner comparable to the following:

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“These premises may pose a risk to the public health and may not be again occupied until order of the S.C. Department of Public Health. This notice must not be removed under penalty of law, except by an Authorized Health Officer.”

### **Amend R.61-20, Section 13 to read:**

Nothing contained in these regulations shall be construed to prevent any city, town or county from making such health laws as they may think necessary for the preservation of public health; provided that said laws are not inconsistent with the laws approved by the Department of Public Health. It shall be the duty of any city, town or county proposing a health law to at once furnish the Department of Public Health with a copy of any proposed law for the approval of the Director of the Department of Public Health before it shall become law.

### **61-21. Sexually Transmitted Diseases.**

Statutory Authority: S.C. Code Sections 44-1-110, 44-1-140 and 44-29-10 et seq.

### **Amend R.61-21 regulation number and move to Chapter 60 to read:**

60-21. Sexually Transmitted Diseases.

### **Amend R.61-21, Section A(3) to read:**

(3) Department -The South Carolina Department of Public Health.

### **Amend R.61-21, Section B to read:**

Sexually transmitted diseases are declared to be contagious, infectious, communicable, and dangerous to the public health. Sexually transmitted diseases include all diseases or infections spread through person-to-person sexual contact which are included in the annual Department of Public Health List of Reportable Diseases.

### **Amend R.61-21, Section L(2) to read:**

(2) If a prisoner is suffering from HIV infection, AIDS or any sexually transmitted disease for which there is no cure, the prisoner's medical condition shall not be a reason for further confinement. It is the recommendation of the Department that no prisoner be confined beyond the expiration of his/her sentence simply because he/she is infected with HIV or any other sexually transmitted disease for which there is no cure. When it is known to the prison or jail that a prisoner to be released is infected with HIV, or any other STD upon the release of the infected prisoner, the facility from which the prisoner has been released shall provide the prisoner with the telephone number and address of the local health department of the prisoner's anticipated county of residence. Prior to the release of the prisoner, the prison or jail must also provide the Department of Public Health with the name, release date, sex, date of birth, race, and, if available, address and other locating/identifying information concerning the prisoner. The Department may then require the infected prisoner to report for counseling and/or other related services.

### **61-22. The Evaluation of Staff of Schools and Child Care Centers for Tuberculosis.**

Statutory Authority: S.C. Code Sections 44-29-150, 44-29-160, 44-29-170.

### **Amend R.61-22 regulation number and move to Chapter 60 to read:**

60-22. The Evaluation of Staff of Schools and Child Care Centers for Tuberculosis.

### **Amend R.61-22, Section II.B to read:**

B. “Department” means the South Carolina Department of Public Health.

**Amend R.61-22, Section II.C to read:**

C. “DPH 1420” means the form designated by the Department for documenting and certifying tuberculosis evaluation, including results of Approved TB Screening Tests, disposition and preventive measures.

**Amend R.61-22, Section III.A.4 to read:**

4. Certification of tuberculosis evaluation, including disposition and preventive treatment, shall be documented on DPH 1420 and retained in the files of the school, kindergarten, nursery or day care center for infants and children where the person works.

**Amend R.61-22, Section III.C.1 through 5 to read:**

1. Every school, kindergarten, nursery or day care center for infants and children shall maintain a completed DPH 1420 for each employee and shall make such records available for review by representatives of the Department upon request. Records may be maintained in an individual facility or in a centralized office, such as in a school district office.

2. For persons who are not employed directly by a school, kindergarten, nursery or day care center, but who work in these settings, the person’s employer shall maintain a completed DPH 1420 and shall make such records available for review upon request by representatives of the Department as well as representatives of any school, kindergarten, nursery or day care center in which the person works.

3. If an employee moves or transfers directly to another public or private school, kindergarten, nursery or day care center for infants and children such that employment in any of these work settings remains uninterrupted, no additional routine screening or evaluation for tuberculosis shall be required beyond that which is described above, provided the employee has a completed DPH 1420, which should be transferred to the new place of employment.

4. If an employee works in more than one school, kindergarten, nursery or day care center for infants and children, each facility shall maintain a separate copy of the individual’s completed DPH 1420 unless kept in a centralized office governing all places of employment.

5. Any employee who does not have proper documentation on file that he or she is free of TB disease shall be excluded from working in any school, kindergarten, nursery or day care center for infants and children until written certification by a licensed physician is received and documented on DPH 1420 declaring that the individual does not have tuberculosis in an active stage.

**Amend R.61-22, Section IV.A to read:**

A. Questions regarding these guidelines may be addressed to personnel of the county health departments or the regional offices of the Department of Public Health. Questions which cannot be resolved at the local level may be referred to the Tuberculosis Control Program, Department of Public Health.

**Amend R.61-22, Section IV.B to read:**

B. Employees may obtain tuberculosis evaluations and certifications from private physicians. Certification forms (DPH 1420) are available, upon request, from the Department.

**61-24. Licensed Midwives.**

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Statutory Authority: S.C. Code Sections 44-1-140, 40-33-30, 44-37-40, 44-37-50, and 44-89-10 et seq.

### **Amend R.61-24 regulation number and move to Chapter 60 to read:**

60-24. Licensed Midwives.

### **Amend R.61-24, Section A.2.h to read:**

h. Department. The S.C. Department of Public Health.

### **Amend R.61-24, Section O.3.d to read:**

d. Reporting Mortalities. The midwife shall report any maternal or infant death to the Department within 48 hours. This report requires information concerning the death, to include sex, weight, date and place of delivery, pregnancy history, obstetric procedures, complications of labor and/or delivery, method of delivery, congenital anomalies of the fetus, and cause of death.

### **Amend R.61-24, Section P.1.a to read:**

a. The Director of the Department shall appoint a Midwifery Advisory Council which shall meet at least annually for the purpose of reviewing and advising the Department regarding matters pertaining to the training, practices, and regulation of midwives in South Carolina. The Council shall consist of three licensed midwives, one consumer of midwife care, two certified nurse-midwives, one physician active in perinatal care, and one member-at-large. Each member shall be appointed for a three-year term of office.

## **61-31. Health Care Cooperative Agreements.**

Statutory Authority: S.C. Code Sections 44-7-500 through 44-7-590.

### **Amend R.61-31 regulation number and move to Chapter 60 to read:**

60-31. Health Care Cooperative Agreements.

### **Amend R.61-31, Section 102.4) to read:**

4) "Department" means the Department of Public Health.

### **Amend R.61-31, Section 202(d).8 to read:**

8. that the parties understand that the issuance of a Certificate of Public Advantage does not exempt any of the parties from compliance with the provisions of Regulation 60-15, Certification of Need for Health Facilities and Services.

### **Amend R.61-31, Section 301 to read:**

Two copies of the application, and the filing fee set forth in Section 509 shall be submitted to the S.C. Department of Public Health.

### **Amend R.61-31, Section 305 to read:**

Upon receipt of a completed application, the Department shall forward a copy of the application to the S. C. Attorney General. After review in accordance with SC Code § 44-7-550, the Attorney General may advise the Department in writing to approve or deny the application. If no report is received from the Attorney General

within thirty days, the Department will consider that as a recommendation to approve the request. If the Attorney General recommends denial of the Certificate of Public Advantage, the Department will consider the reasons therefor. The Attorney General's opinion is advisory and DPH is responsible for rendering the final decision.

**61-45. South Carolina Central Cancer Registry.**

Statutory Authority: 1976 Code Sections 44-35-10 et seq.

**Amend R.61-45 regulation number and move to Chapter 60 to read:**

60-45. South Carolina Central Cancer Registry.

**Amend R.61-45, Section B.1, 9, 10, and 11 to read:**

1. "South Carolina Central Cancer Registry (SCCCR)" means the population-based cancer data system for the collection, storage, maintenance, analysis, and dissemination of all cancer cases occurring in South Carolina, diagnosed after December 31, 1995, under the administration of the South Carolina Department of Public Health (DPH).

9. "Department" or DPH means the South Carolina Department of Public Health.

10. "DPH Cancer Control Advisory Committee (CCAC)" means the multidisciplinary committee that advises DPH on professional issues pertaining to cancer prevention, detection, care, and surveillance. This includes all SCCCR activities.

11. "Surveillance Subcommittee" means the subcommittee of the DPH Cancer Control Advisory Committee that is comprised of statewide representation of cancer researchers, the South Carolina Medical Association, the South Carolina Hospital Association, and the South Carolina Budget and Control Board Office of Research and Statistics. This subcommittee has the specific responsibility to determine the appropriateness of requests for confidential data release from the SCCCR.

**Amend R.61-45, Section C.1 through C.3.a through f to read:**

1. Reportable cancer cases, as defined, which are initially diagnosed after December 31, 1995 shall be reported to DPH within six months of initial diagnosis.

2. All health care providers that diagnose and/or treat cancer patients in the State are responsible for reporting cancer cases to DPH, unless those health care providers are already reporting to a regional cancer registry.

3. Responsibility for Reporting:

a. Hospitals with existing cancer registries shall designate an appropriate person to be responsible for reporting all SCCCR reportable cases to DPH.

b. Hospitals without a cancer registry shall designate the Director of Health Information Management or the functional equivalent employee to be responsible for reporting all SCCCR reportable cases to DPH.

c. The Director or the functional equivalent of each independent pathology laboratory and private component of a hospital pathology laboratory shall be responsible for reporting the results of examination of tissue specimens and/or hematology examinations to DPH. Pathologic and hematologic reports indicating the diagnosis of cancer, that have not been previously reported from that laboratory, shall be reported.

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d. Physicians shall report to DPH all new cancer cases diagnosed in their offices that are not referred to a hospital in the State for treatment.

e. The Director of functional equivalent of each freestanding surgical or treatment center shall be responsible for reporting all new cancer cases to DPH.

f. Every health care provider shall allow representatives of DPH upon demand to access, obtain, and copy information from all medical, pathological, and other pertinent records and logs related to cancer cases, as necessary for fulfilling the functions of the SCCCR. Adequate space shall be provided as needed to DPH staff for record review at South Carolina health care facilities.

### **Amend R.61-45, Section E introductory paragraph to read:**

All health care providers shall provide to DPH at least the following data items on all reportable cancer cases in accordance with standard definitions as listed in the current edition of the NAACCR Standards for Cancer Registries, Volume II, Data Standards and Data Dictionary obtained from the NAACCR. The current edition of NAACCR standards can be obtained from DPH:

### **Amend R.61-45, Section F.1 and 3 to read:**

1. The information to be reported shall be provided on forms supplied by DPH. The forms must be completed entirely. Supplemental information can be supplied for forms that cannot be completed entirely by submitting copies of pertinent medical information to include, at a minimum, pathology reports, history and physical, discharge summary, and radiographic reports.

3. Reportable cases from facilities served by the SCCCR field staff shall be collected in a manner determined by DPH.

### **Amend R.61-45, Section G.3 through 5:**

3. The DPH CCAC shall advise and make recommendations to the Department about the issues related to cancer surveillance, including all Central Cancer Registry activities. A subcommittee of the CCAC called the Surveillance Subcommittee shall have specific responsibility to determine the appropriateness of requests for confidential data release. Membership of this subcommittee shall consist of statewide representation of cancer researchers, the South Carolina Medical Association, the South Carolina Hospital Association, and the South Carolina Budget and Control Board Office of Research and Statistics. Strict criteria set forth in the SCCCR Data Release Protocol written in coordination with the South Carolina Budget and Control Board Office of Research and Statistics Principles and Protocol for Release of Health Data shall be utilized to review each data release request. This Subcommittee also assures the DPH Internal Review Board approval when appropriate in order to assure protection of human subjects.

4. Each applicant requesting access to confidential information will follow the procedure outlined in the SCCCR Data Release Protocol, completing the application and providing the required information, documentation, and assurances. The applicant shall provide, at no cost to the SCCCR, a reprint of each publication using Registry information. Any report or published papers must acknowledge DPH and the SCCCR and data must only be published according to its intended purpose on the application for data release.

5. Requests for non-confidential data as specified in the SCCCR Data Release Protocol will be processed by SCCCR staff, subject to the confidentiality provisions set forth in DPH regulations.

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

Statutory Authority: S.C. Code Section 44-7-260.

**Amend R.61-75 regulation number and move to Chapter 60 to read:**

60-75. Standards for Licensing Day Care Facilities for Adults.

**Amend R.61-75, Section 101.K to read:**

K. Department. The South Carolina Department of Public Health.

**Amend R.61-75, Section 603 to read:**

The Facility shall immediately report animal bites, diseases, and infections in accordance with Regulation 60-20, Communicable Diseases, to the Department. The Facility shall maintain documentation of reported animal bites, diseases, and infections in the Participant records.

**61-77. Standards for Licensing Home Health Agencies.**

Statutory Authority: S.C. Code Sections 44-69-10 et seq.

**Amend R.61-77 regulation number and move to Chapter 60 to read:**

60-77. Standards for Licensing Home Health Agencies.

**Amend R.61-77, Section 101.H to read:**

H. Department. The South Carolina Department of Public Health.

**61-78. Standards for Licensing Hospices.**

Statutory Authority: S.C. Code Sections 44-71-10 et seq., and 44-7-110 et seq.

**Amend R.61-78 regulation number and move to Chapter 60 to read:**

60-78. Standards for Licensing Hospices.

**Amend R.61-78, Section 100.J to read:**

J. Department. The South Carolina Department of Public Health (DPH).

**Amend R.61-78, Section 704 to read:**

A Hospice providing Inpatient Services shall notify the appropriate county health department of all cases of diseases and animal bites required to be reported in accordance with Regulation 60-20, Communicable Diseases.

**61-80. Neonatal Screening for Inborn Metabolic Errors and Hemoglobinopathies.**

Statutory Authority: S.C. Code Section 44-37-30.

**Amend R.61-80 regulation number and move to Chapter 60 to read:**

60-80. Neonatal Screening for Inborn Metabolic Errors and Hemoglobinopathies.

**Delete R.61-80, Table of Contents, Appendices A through C:**



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### **Amend R.61-80, Section A to read:**

This regulation establishes rules implementing provisions of Section 44-37-30 of the South Carolina Code of Laws, 1976, as amended, regarding testing of newborn children for inborn metabolic errors and hemoglobinopathies. The Department of Public Health has been given the legislative mandate to promulgate rules and regulations for screening for inborn metabolic errors and hemoglobinopathies and to ensure compliance with the screening of every child born in South Carolina. The responsibilities of the various agencies, institutions and persons involved in the screening process are defined. Procedures for storage and use of blood specimens and maintenance of confidentiality are included.

### **Amend R.61-80, Section B.5 through 8 to read:**

5. Department—shall mean the South Carolina Department of Public Health.

6. Laboratory—shall mean the South Carolina Department of Public Health Laboratory.

7. Bureau of Maternal and Child Health—shall mean an organizational unit of the South Carolina Department of Public Health.

8. Official Departmental Instructions—shall mean detailed instructions approved by the Director of the South Carolina Department of Public Health or his designee under which the public and private health care providers, including hospitals, laboratories, clinics, physicians and their staffs screen all children born in South Carolina for designated Inborn Metabolic Errors and Hemoglobinopathies.

### **Amend R.61-80, Section H to read:**

1. Newborn Screening Program Parental Statement of Religious Objection (Religious Objection Form): The Religious Objection Form shall be completed if the parents refuse newborn screening for inborn metabolic errors and hemoglobinopathies for their child based upon religious convictions.

2. Authorization to Release Information Relative to Newborn Screening for Inborn Metabolic Errors and Hemoglobinopathies (Information Release Form): The Information Release Form may be completed as needed for release of information regarding newborn screening for inborn metabolic errors and hemoglobinopathies to persons other than those specified elsewhere in this regulation.

3. Blood Sample Storage Options, Screening for Inborn Metabolic Errors and Hemoglobinopathies (Blood Sample Storage Options Form): The Blood Sample Storage Options Form shall be completed if the parents or legal guardians do not agree to have their child's specimen stored and potentially released for confidential, anonymous scientific study.

### **Delete R.61-80, Appendix A:**

**Delete R.61-80, Appendix B:**

**Delete R.61-80, Appendix C:**

**61-84. Standards for Licensing Community Residential Care Facilities.**

Statutory Authority: S.C. Code Section 44-7-260.

**Amend R.61-84 regulation number and move to Chapter 60 to read:**

60-84. Standards for Licensing Community Residential Care Facilities.

**Amend R.61-84, Section 101.P to read:**

P. Department. The S.C. Department of Public Health (DPH).

**Amend R.61-84, Section 102.A.1 to read:**

1. R.60-20, Communicable Diseases;

**Amend R.61-84, Section 603 to read:**

All cases of diseases and animal bites which are required to be reported to the appropriate county health department shall be accomplished in accordance with R.60-20.

**61-91. Standards for Licensing Ambulatory Surgical Facilities.**

Statutory Authority: S.C. Code Section 44-7-260.

**Amend R.61-91 regulation number and move to Chapter 60 to read:**

60-91. Standards for Licensing Ambulatory Surgical Facilities.

**Amend R.61-91, Section 101.R to read:**

R. Department. The S.C. Department of Public Health (DPH).

**Amend R.61-91, Section 102.A.1 through 4 to read:**

1. R.60-4, Controlled Substances;

2. R.60-12, Standards for Licensing Abortion Clinics;

3. R.60-16, Standards for Licensing Hospitals and Institutional General Infirmaries;

4. R.60-20, Communicable Diseases;

**Amend R.61-91, Section 103.E.9 to read:**

9. Abortions shall not be performed in an ambulatory surgical facility unless it is also licensed as an abortion clinic pursuant to R.60-12.

**Amend R.61-91, Section 103.L.2 to read:**

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2. Ambulatory surgical services or procedures provided in licensed hospitals (such services remain within the purview of R.60-16);

### **Amend R.61-91, Section 603 to read:**

All cases of diseases that are required to be reported to the appropriate county health department shall be accomplished in accordance with R.60-20.

### **Amend R.61-91, Section 702.D.3 to read:**

3. Rubber stamp signatures are not permitted on orders for medications listed as “controlled substances” pursuant to R.60-4.

### **Amend R.61-91, Section 1007.A.2 to read:**

2. The destruction of controlled substances shall be accomplished pursuant to the requirements of R.60-4.

## **61-93. Standards for Licensing Facilities for Chemically Dependent or Addicted Persons.**

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

### **Amend R.61-93 regulation number and move to Chapter 60 to read:**

60-93. Standards for Licensing Facilities for Chemically Dependent or Addicted Persons.

## **61-94. WIC Vendors.**

Statutory Authority: S.C. Code Section 43-5-930.

### **Amend R.61-94 regulation number and move to Chapter 60 to read:**

60-94. WIC Vendors.

### **Amend R.61-94, Section 101(A) and (C) to read:**

(A) DPH or Department. The South Carolina Department of Public Health.

(C) State WIC Program (“Program”). The WIC Services Program in the South Carolina Department of Public Health.

### **Amend R.61-94, Section 801 to read:**

All vendors have the opportunity to request a fair hearing (administrative review) regarding certain adverse actions taken by the Department. The vendor must provide the Department with a written fair hearing request within fifteen (15) calendar days of the receipt of the notice of the adverse action. The written request must list the actions with which the vendor disagrees, as well as reasons the vendor disagrees with these actions. If the vendor does not request a hearing within the fifteen (15) calendar-day period following notification, the Department’s decision becomes final.

A decision of the Department imposing disqualification, penalties, or requiring a vendor to refund monies for overcharging may be appealed pursuant to the state Administrative Procedures Act.

## **61-95. Medicaid Nursing Home Permits.**

Statutory Authority: S.C. Code Sections 44-7-80 through 44-7-90.

**Amend R.61-95 regulation number and move to Chapter 60 to read:**

60-95. Medicaid Nursing Home Permits.

**Amend R.61-95, Section 101.A to read:**

A. Department - “Department” means the Department of Public Health.

**Amend R.61-95, Section 105.B to read:**

B. The application, to be filed upon forms provided by the Department, shall be forwarded to the Department of Public Health. The application shall set forth at least the following:

**61-97. Standards for Licensing Renal Dialysis Facilities.**

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

**Amend R.61-97 regulation number and move to Chapter 60 to read:**

60-97. Standards for Licensing Renal Dialysis Facilities.

**Amend R.61-97, Section 101.K to read:**

K. Department. The South Carolina Department of Public Health.

**Amend R.61-97, Section 102.B.2 to read:**

2. Renal dialysis services provided in licensed hospitals (such services remain within the purview of R.60-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries).

**Amend R.61-97, Section 602.A to read:**

A. Reportable Diseases. The Facility shall report cases of reportable diseases in accordance with Regulation 60-20, Communicable Diseases, and any occurrences, such as epidemic outbreaks or poisonings or other unusual occurrence, which threaten the welfare, safety or health of Patients or personnel shall be reported immediately to the Department.

**61-102. Standards for Licensing Birthing Centers for Deliveries by Midwives.**

Statutory Authority: S.C. Code Sections 44-89-60 and 44-7-260.

**Amend R.61-102 regulation number and move to Chapter 60 to read:**

60-102. Standards for Licensing Birthing Centers for Deliveries by Midwives.

**Delete R.61-102, Section A(1)(d) and recodify remaining definitions:**

**Amend R.61-102, Section A(1)(g) and (j) to read:**

(g) Department means the South Carolina Department of Public Health (DPH).

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(j) Licensing agency means DPH.

### **Amend R.61-102, Section D(7)(b)(6) to read:**

(6) Test results and date specimen was collected for PKU and hypothyroid newborn screening test. (Exempt only when parents object because of religious convictions; then file copy of executed "Statement of Religious Objection Form," DPH Form 1804 with newborn record.)

### **Amend R.61-102, Section H(3)(e) to read:**

(e) One complete set of as built drawings shall be filed with DPH.

### **Amend R.61-102, Section L(1) and (2)(a) to read:**

Prior to admission of patients to, and issuance of a license for new facilities or additional stations, the following actions must be accomplished and documentation furnished at the final inspection:

(1) Plans and construction must be approved by DPH.

(2) The facility shall submit a completed Application for License on forms which shall be furnished by the Department. The following documents shall be submitted with the application:

(a) Final construction approval of both water and wastewater systems by the South Carolina Department of Environmental Services (SCDES). (Includes satisfactory laboratory reports of water samples taken by SCDES.)

### **61-103. Residential Treatment Facilities for Children and Adolescents.**

Statutory Authority: S.C. Code Section 44-7-260.

### **Amend R.61-103 regulation number and move to Chapter 60 to read:**

60-103. Residential Treatment Facilities for Children and Adolescents.

### **61-108. Standards for Licensing Freestanding or Mobile Technology.**

Statutory Authority: S.C. Code Ann. Section 44-7-265 (1976, as amended).

### **Amend R.61-108 regulation number and move to Chapter 60 to read:**

60-108. Standards for Licensing Freestanding or Mobile Technology.

### **Amend R.61-108, Section 101.M to read:**

M. Department. The S.C. Department of Public Health (DPH).

### **Amend R.61-108, Section 101.P to read:**

P. Freestanding or Mobile Technology. Medical equipment which is to be used for diagnosis or treatment and is owned or operated by a person, other than a health care facility (as defined in S.C. Code Ann. § 44-7-130 (1976, as amended)), for which the total cost is in excess of that prescribed by R.60-15 and for which specific standards or criteria are prescribed in the State Health Plan.

### **Amend R.61-108, Section 102.A.1 through 4 to read:**

1. R.60-4, Controlled Substances;
2. R.60-15, Certification of Need for Health Facilities and Services;
3. R.60-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries;
4. R.60-20, Communicable Diseases;

**Amend R.61-108, Section 102.I to read:**

I. Registered Equipment. Licensees utilizing equipment that is required to be registered by the S.C. Department of Environmental Services pursuant to S.C. Code Sections 13-7-10 et seq. shall not be licensed until such equipment is properly registered.

**Amend R.61-108, Section 601.A.1 to read:**

A. A record of each incident and/or accident occurring in the equipment location area involving patients or staff members shall be retained.

1. Serious incidents/accidents and/or medical conditions as defined below and any illness resulting in death or inpatient hospitalization shall be reported via telephone to the next-of-kin or responsible party immediately and in writing to the Department within 10 days of the occurrence.

**Amend R.61-108, Section 601.B to read:**

B. Reports made to the Department shall contain at a minimum: facility name, patient age and sex, date of incident/accident, location, extent/type of injury, and means of treatment, e.g., hospitalization.

**Amend R.61-108, Section 602 to read:**

602. Fire/Disasters (II). The Department shall be notified immediately via email to [firewatch@dph.sc.gov](mailto:firewatch@dph.sc.gov) or other email address prescribed by the Department regarding any fire occurring at the equipment location and followed by a complete written report to include fire department reports, if any, submitted within a time period determined by the policies and procedures, but not to exceed 10 days from the occurrence of the fire.

**Amend R.61-108, Section 603 to read:**

All cases of diseases that are required to be reported to the appropriate county health department shall be reported in accordance with R.60-20.

**Amend R.61-108, Section 604 to read:**

The Department shall be notified in writing by the licensee of freestanding technology within 10 days of any change in on-site manager. The notice shall include at a minimum the name of the newly appointed individual, documented qualifications as required by Section 502, and the effective date of the appointment.

**Amend R.61-108, Section 605 to read:**

Licensees, if required by the Department to submit a "Joint Annual Report," shall complete and return this report within the time period specified by the Department.

**Amend R.61-108, Section 606 to read:**

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In accordance with R.60-4, any licensee whose licensed equipment is housed in a facility registered with the Department's Bureau of Drug Control shall report any theft or significant loss of controlled substances to the Bureau of Drug Control upon discovery of the loss/theft. Pursuant to S.C. Code Ann. § 40-43-91 (1976, as amended), any licensee whose licensed equipment is housed in a facility permitted by the S.C. Board of Pharmacy shall report the loss or theft of controlled substances or devices within thirty working days of the discovery of the loss/theft to the S.C. Board of Pharmacy.

### **Amend R.61-108, Section 607 to read:**

The Department shall be notified in writing by the licensee within 10 days of any change, upgrade and/or replacement of licensed equipment.

### **Amend R.61-108, Section 608.A and B to read:**

A. Prior to the permanent closure of a business where equipment is licensed, the Department shall be notified in writing of the intent to close and the effective closure date. Within 10 days of the closure, the Department shall be notified of the provisions for the maintenance of the records. On the date of closure, the current original license shall be returned to the Department.

B. When a business where equipment is licensed temporarily closes, the Department shall be given written notice within a reasonable time in advance of closure. At a minimum this notification shall include, but is not limited to: the reason for the temporary closure, the manner in which the records are being stored, and the anticipated date for reopening. The Department shall consider, upon appropriate review, the necessity of inspecting and determining the applicability of current standards to the equipment prior to its usage. If the location is closed for a period longer than one year, and there is a desire to re-open, the licensee shall re-apply to the Department and shall be subject to all licensing requirements at the time of that application.

### **Amend R.61-108, Section 702.F and G to read:**

F. Upon discharge of a patient, the record shall be completed within 60 days and filed in an inactive/closed file maintained by the licensee. Prior to the closing of an equipment location for any reason, the licensee shall arrange for preservation of records to ensure compliance with these regulations and other applicable law. The licensee shall notify the Department, in writing, describing these arrangements and the location of the records.

G. Records of patients shall be retained for at least six years following the discharge of the patient. Records of minors shall be retained until after the expiration of the period of election following achievement of majority as prescribed by statute. Other documents required by this regulation, e.g., fire drills, shall be retained at least 12 months or until the next Department inspection.

### **Amend R.61-108, Section 901.B to read:**

B. The licensee shall develop and post in a conspicuous place in a public area a grievance/complaint procedure to be exercised on behalf of the patients that includes the address and phone number of the Department and a provision prohibiting retaliation should the grievance right be exercised.

### **Amend R.61-108, Section 1001.D.4 to read:**

4. Contents of each section of the kit/cart shall be listed and maintained on or in the kit/cart, and shall correspond to the list. Documentation of monthly checks of expiration dates of medications and supplies is to be retained for a period of two years or until the Department's next inspection, whichever is longer.

### **Amend R.61-108, Section 1006.E to read:**

E. Records shall be maintained of all stock controlled substances that indicate an accounting of all items received and/or administered in such a manner that the disposition of each dose of any particular item may be readily traced. Records shall be maintained for a minimum of two years or until the next inspection by the Department.

**Amend R.61-108, Section 1007.A.2 and B to read:**

2. The destruction of controlled substances shall be accomplished pursuant to the requirements of R.60-4.

B. Destruction records shall be retained by the facility for at least two years or until the Department's next inspection.

**Amend R.61-108, Section 1302.B.2 to read:**

2. A record of the inspections made prior to each use of the anesthesia equipment, as well as a record of all service and repair performed on all anesthesia machines, vaporizers, and ventilators, shall be maintained and retained for a minimum of two years or until the next Department inspection.

**61-109. Standards for Permitting Body Piercing Facilities.**

Statutory Authority: 1976 Code Sections 44-32-10 et seq.

**Amend R.61-109 regulation number and move to Chapter 60 to read:**

60-109. Standards for Permitting Body Piercing Facilities.

**Amend R.61-109, Section 100.I to read:**

I. Department. The South Carolina Department of Public Health.

**61-111. Standards for Licensing Tattoo Facilities.**

Statutory Authority: S.C. Code Sections 44-34-10 et seq.

**Amend R.61-111 regulation number and move to Chapter 60 to read:**

60-111. Standards for Licensing Tattoo Facilities.

**Amend R.61-111, Section 100.K to read:**

K. Department. The South Carolina Department of Public Health.

**61-112. Implementation of Emergency Health Powers Act.**

Statutory Authority: 2002 SC Code Ann. Sections 44-1-140; 44-4-100 et seq. (Supp. 2003).

Related Authority: SC Code Ann. Section 25-1-440 (Supp. 2003).

**Amend R.61-112 regulation number and move to Chapter 60 to read:**

60-112. Implementation of Emergency Health Powers Act.

**Amend R.61-112, Section 1 to read:**



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This regulation provides procedures for responding to the occurrence or imminent risk of a Qualifying Health Condition in a manner which is consistent with the authorities of S.C. Code Ann. Sections 44-1-110 through -140, the Emergency Health Powers Act (S.C. Code Ann. Section 44-4-10 et seq.), S.C. Code Ann. Sections 44-29-10 through -50, Regulations 60-16 and 60-20, and the State Emergency Response Plan with its supporting annexes, appendices, and Standard Operating Procedures. The regulation is intended to provide for timely recognition of sources or potential sources of disease, identification of victims or potential victims, delivery of health care, application of appropriate public health measures, and assurance of due process and personal privacy commensurate with the public health threat.

### **Amend R.61-112, Section 2 to read:**

Unless otherwise defined below, terms in this regulation have the definitions set forth in S.C. Code Ann. Section 44-4-130, S.C. Code Ann. Section 44-29-10(C), and S.C. Code Ann. Regulation 60-20.

### **Amend R.61-112, Section 2, Commissioner Definition to read:**

“Director” — the Director of the Department of Public Health (DPH) or his designee.

### **Amend R.61-112, Section 3 to read:**

A. The Governor, in consultation with the Public Health Emergency Plan Committee, has the authority to declare a state of Public Health Emergency. DPH will provide information and advice to the Committee and to the Governor before and after declaration of a state of Public Health Emergency.

B. It is inherent in the nature of public health emergencies that some actions must be taken before the declaration of a state of Public Health Emergency. Nothing in this regulation shall be construed to limit DPH's authority or obligation, before the declaration of a state of Public Health Emergency, to undertake such investigations or to take such actions pursuant to Code Sections 13-7-40 and -50, 44-1-80 and 44-1-140, 44-55-60, and 44-56-50 as may be necessary to detect, identify, and control the spread of communicable diseases or of biological, chemical, or radiological agents capable of causing disease or injury.

C. DPH shall request the assistance of public safety agencies, coroners, medical examiners, professional licensing boards, professional associations, health care facilities, and vendors delivering goods and services to health care facilities and medical professionals to implement this regulation. Where specifically provided for by statute or regulation, such requests shall have the force of law.

### **Amend R.61-112, Section 4 to read:**

#### **A. Medical Information**

i. Upon declaration of a state of Public Health Emergency DPH may by order amend the Official List of Reportable Conditions to include specific diseases or diagnostic criteria. DPH may designate whether such reports are “Report Immediately” or “Urgently Reportable” and may provide telephone hot line numbers, electronic notification (email) addresses or other means of reporting as may be appropriate.

ii. Before declaration of a state of Public Health Emergency DPH may by order amend the Official List of Reportable Conditions to include specific diseases or diagnostic criteria. DPH may designate whether such reports are “Report Immediately” or “Urgently Reportable” and may provide telephone hot line numbers, electronic notification (email) addresses or other means of reporting as may be appropriate. Within twenty four hours of such order DPH will provide the Governor and the Public Health Emergency Plan Committee with information upon which such order was based.

#### **B. Non-Medical Information**

If the Director determines that individuals who have been in certain facilities, or at specific events, or in contact with certain individuals, objects, animals, or categories of individuals, have been or may have been exposed to contaminants or communicable diseases, he may by order require reports to be submitted to DPH, which may include but not be limited to: passenger manifests; attendance rosters; lists of patrons of events, activities, or venues; and the like. The order shall include as much specificity as is reasonably available to limit the scope of the report.

#### C. Use and safeguarding

i. In order to investigate the causes and spread of communicable or epidemic disease, to prevent or control the spread of contamination or infectious diseases, and to protect the public health, the Director may by order require collection of contact tracing information from individuals who have or may have been exposed to contaminants, infectious agents, or communicable diseases. To the extent that such information may be Protected Health Information, individuals carrying out such orders and collecting contact tracing information shall be deemed to be acting in accordance with the authority of Code Sections 44-1-80 and 44-4-560 for purposes of having access to such information.

ii. Other than in accordance with subsection (i) above, access to DPH records containing protected health information of persons who have participated in medical testing, treatment, vaccination, isolation, or quarantine programs or efforts by DPH during a public health emergency is limited to those persons having a legitimate need to provide treatment to the individual who is the subject of the health information; or to conduct epidemiological research; or to investigate the causes of transmission.

iii. Pursuant to Code Section 44-4-560(B)(3), protected health information otherwise exempt from disclosure by Section 44-4-560(A) may be included in petitions and other court documents required pursuant to Section 44-4-540.

iv. Pursuant to Code Section 44-4-560(B)(3) and (B)(5), DPH may seek an ex parte court order for permission to disclose otherwise protected health information if necessary to locate individuals to limit the spread of contagion or to offer medical treatment. DPH will include with the John Doe petition for such order a sealed affidavit stating with particularity the basis for believing that location of the specific individuals is necessary to protect the public health or the health of the individual and why disclosure of the identity or the protected health information is necessary.

#### **Amend R.61-112, Section 5 to read:**

##### A. Use of Health Care Facilities

###### i. Coordination of assets

Upon declaration of a Public Health Emergency DPH may require health care facilities to provide current information on patient census, available patient beds, and potential expansion capacity. Potential expansion capacity shall include vacant beds, rooms constructed but not placed into operation in accordance with a Certificate of Need, and rooms which could be adapted for multiple occupancy pursuant to subsection ii below. Health care facilities shall include such potential expansion capacity as separate line items in reports submitted for inclusion in the Regional Mass Casualty Response Plans. The means of reporting bed availability, facility problems, emergency department diversion, hospital pharmaceutical supplies, equipment, decontamination capability and other information necessary to coordinate a regional mass casualty response will be determined by DPH and may include software or web page reporting mechanisms in current use and provided by DPH. Hospitals may be required to report information with a predetermined frequency, or as requested within each hospital preparedness planning district.

###### ii. Suspension of hospital licensure requirements

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Upon declaration of a state of Public Health Emergency, DPH may by order suspend for the duration of the PHE so much of Regulations 60-15 and 60-16 as (1) restricts use of unlicensed beds or space; (2) restricts the conversion of single and double occupancy patient rooms to higher capacity (consistent with medically appropriate criteria); or (3) restricts establishment of wards, dormitories, or other spaces not designated as patient rooms.

### B. Use of other real property

i. Upon declaration of a Public Health Emergency, DPH may identify and notify public and private facilities to include but not be limited to hospitals, clinics, emergency medical services, outpatient treatment facilities, mortuaries, laboratories, and refrigerated storage facilities, that use of such facilities will be needed for the duration of the PHE to protect the public health.

ii. Operation of such facilities by the owners and operators is preferred. However, upon refusal by the owners or operators, or upon refusal to respond to DPH's notification within a reasonable time not to exceed forty-eight hours, DPH may apply for an *ex parte* court order authorizing DPH, or its designee, to enter into said facility and take control for purposes of responding to the Public Health Emergency. Upon presentation, any public safety agency may execute such order. DPH may apply for any such order to provide that designees operating facilities pursuant to court order shall be held harmless as to the owners or operators. After notice and opportunity for a hearing, DPH may apply for an order continuing the *ex parte* order and setting the compensation, if any, due the owners and operators for such period of displacement.

### C. Decontamination and sealing

i. DPH may order decontamination of facilities to prevent the transmission of communicable diseases or to remove or neutralize biological, chemical, or radiological contaminants; such orders may include standard infection control techniques or other specific techniques as appropriate. DPH may order decontamination of part or all of a facility or may order the sealing of part or all of a facility in lieu of decontamination. Sealed facilities shall be flagged or placarded in accordance with Regulation 60-20, Section 6; Regulation 60-20, Sections 8 and 9 apply.

ii. Orders requiring the sealing of facilities shall be reviewed regularly on a schedule commensurate with the nature of the contaminant, the scope and extent of the Public Health Emergency, and available resources.

### **Amend R.61-112, Section 6 to read:**

A. DPH may order decontamination, sealing, or destruction of equipment, foodstuffs, personal property, or any other material to limit the spread of communicable disease or contaminating agents. Such orders may apply to specific items or to classes of items.

B. Destruction may be ordered when decontamination is not practical or when exigent action is necessary to control the spread of contamination or communicable disease.

i. A petition for an order of destruction based on impracticality of decontamination shall be accompanied by one or more affidavits stating (1) the basis for determining the material to be contaminated; (2) if contamination cannot be confirmed by tests, the basis for believing the material to be contaminated or potentially contaminated; (3) the risk to the public health if the material is neither decontaminated or destroyed; (4) alternatives such as decontamination or isolation which have been considered and the reasons they are not adequately protective of the public health.

ii. Nothing herein shall be construed to prohibit the immediate destruction without court order of a source of contamination or communicable disease when, in the professional judgment of DPH staff, such action is

necessary to prevent or limit the spread of contamination or disease. To the extent practicable, staff will record a description of the affected property, the location, and the basis for ordering immediate destruction.

C. If material can be sealed to eliminate it as a source of communicable disease or contamination with the possibility of decontamination after the Public Health Emergency abates, DPH may order this as an option. Orders requiring sealing of material shall be reviewed regularly on a schedule commensurate with the nature of the contaminant, the scope and extent of the Public Health Emergency, and available resources.

D. Failure to comply with an order requiring decontamination or sealing of material may be grounds for seeking a court order requiring destruction of such material.

#### E. Animals

i. In consultation with the State Veterinarian, DPH may issue orders requiring isolation, quarantine, or destruction of animals. Unless there is a clear medical or public health necessity, no animal shall be destroyed except by court order.

ii. Domestic pets: DPH may by order allow persons to be accompanied by their pets in communal isolation or quarantine facilities, depending on the nature of the threat and the capacity of the facility. Alternatively DPH may order establishment of pet holding areas or forbid pets in isolation or quarantine facilities.

iii. Non-domestic animals; farm animals; large animals: DPH may by order allow owners or their representatives access to isolated animals for feeding or other necessary care; such access shall be upon such conditions as DPH shall order.

#### **Amend R.61-112, Section 7 to read:**

##### A. Possession and distribution

i. Pursuant to Code Section 44-4-330, DPH may purchase antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies ("Medical Supplies"). After declaration of a Public Health Emergency, and in accordance with Code Section 11-35-1570, the Director or his designee may authorize others to make emergency procurements; provided, that such emergency procurements shall be made with as much competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.

##### ii. Strategic National Stockpile

a. DPH has been designated as the entity responsible for distribution of SNS materials after transfer of SNS materials from CDC. DPH shall name a consultant pharmacist to be responsible for establishing appropriate policies and procedures for the receipt, storage, dispensing, and distribution of drugs from the SNS and for supervising a record-keeping system for those drugs. DPH shall submit these policies, procedures, and record-keeping systems to the Board of Pharmacy for review and approval.

b. Upon notification that SNS materials are being sent to South Carolina and the declaration of a Public Health Emergency, DPH shall notify the SC Board of Pharmacy and the SC Department of Labor, Licensing and Regulation of the impending arrival, distribution, and dispensing of SNS materials.

c. Provided that the Board of Pharmacy has approved the submitted policies, procedures and record-keeping systems, DPH may proceed to distribute and dispense SNS materials.

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d. Records with respect to receipt, storage, distribution and dispensing of SNS materials shall be retained for two years and shall be readily available for audit by the Board of Pharmacy, the Department of Labor, Licensing and Regulation, the DPH Bureau of Drug Control, or a responsible Federal agency.

iii. DPH may distribute, administer or dispense Medical Supplies either through its own employees, by instructions to wholesalers, or by allocation to health care providers for redistribution in accordance with directives issued by DPH. In allocating Medical Supplies, DPH will consider the amount on hand, the amount reasonably anticipated from other sources, and the population at risk. DPH may allocate or deny Medical Supplies based on age, proximity to an initiating event or route of transmission, whether the individual is a First Responder, whether alternative personal protective measures are readily available, or other criteria of epidemiological significance.

iv. In allocating Medical Supplies to First Responders, DPH may consider proximity to an initiating event or route of transmission in addition to other risk factors.

### B. Orders affecting wholesale distribution

i. After declaration of a Public Health Emergency, DPH may order manufacturers and distributors doing business in South Carolina to provide information on the amount, location and availability of Medical Supplies in South Carolina or in distribution chains serving South Carolina.

ii. In consultation with public health officials in neighboring states and with Federal officials, DPH may direct distribution of Medical Supplies to designated health care providers. DPH may direct designated health care providers to distribute or dispense Medical Supplies in accordance with criteria established by DPH, which may include age, proximity to an initiating event or route of transmission, or other criteria of epidemiological significance.

### C. Orders affecting retail distribution

DPH may issue guidelines defining diagnostic criteria, risk factors and contraindications for the guidance of health care providers. The Director may by order identify categories of individuals to whom Medical Supplies shall not be given.

## **Amend R.61-112, Section 8 to read:**

### A. Authorization to practice

i. Authorization of otherwise qualified health care professionals who are not licensed in South Carolina to render professional services during a public health emergency is the responsibility of the respective licensing board or entity. This may include students or interns as may be recommended by their faculty and approved by the respective licensing board.

ii. DPH will consult with the Board of Medical Examiners, Board of Nursing, Board of Pharmacy, the State EMT Coordinator, and other licensing boards to determine what credentials will be required of otherwise qualified, but unlicensed, individuals before assignment in a response role. Upon declaration of a Public Health Emergency, DPH may assign individuals after review of individual credentials but before confirmation from the professional licensing boards.

### B. Conditions of licensure

i. If, during a Public Health Emergency, an individual health care provider unreasonably fails or refuses to perform vaccinations, treatment, examination, or testing of individuals, DPH may submit evidence of such refusal to the appropriate licensing board for consideration in subsequent licensing decisions.

ii. DPH may consider evidence of failure or refusal to allow vaccinations, treatment, examination or testing of individuals as a basis for revoking or denying renewal of facility licenses issued by DPH. Revocation or denial of a license based in whole or in part on such grounds may be challenged as a contested case.

**Amend R.61-112, Section 9 to read:**

A. Upon declaration of a Public Health Emergency in which there is a substantial likelihood of person-to-person transmission of disease or spread of contamination, DPH may recommend to law enforcement authorities orders placing restrictions on public gatherings. Such recommendations shall be reasonably tailored to address the risk and may include limits on the number or age of individuals, restrictions on location, or restrictions on non-essential gatherings.

B. Upon declaration of a Public Health Emergency, DPH may order closure of primary or secondary schools.

C. Quarantine and isolation

i. DPH will provide notice to individuals in quarantine or isolation sufficient to inform them of (1) the basis for the order of quarantine or isolation; (2) the restrictions imposed by the order; (3) procedures for obtaining judicial review of the order; (3) notice of any hearings, appointment of counsel, or other court proceedings; (4) the findings of the court after any review of the order; (5) any testing, treatment or vaccination which is planned or available; (6) the location and hours of operation of facilities for the delivery of mail, food, fuel, medical treatment or supplies, and other necessities.

ii. (1) DPH will by order establish criteria for allowing entry into and departure from quarantine or isolation facilities, which may include prohibitions against departure. The Director may designate medical professionals to assist law enforcement personnel assigned to implement the quarantine order. (2) If quarantine has been established by geographical area, criteria for departure may include procedures for documenting that travelers have permission to enter the intended destination.

iii. DPH will offer the reviewing court information, including best professional judgment, concerning risk of disease transmission and possible prophylactic measures for the court's consideration in establishing procedures for allowing quarantined or isolated individuals access to counsel and access to court proceedings consistent with public health and due process.

**Amend R.61-112, Section 10.A through C to read:**

A. Upon declaration of a Public Health Emergency, DPH will notify coroners, medical examiners, and funeral directors of specific procedures to be followed in handling and disposing of remains of individuals known or presumed to have died from or been exposed to contamination or communicable disease. This may include individuals determined to have died as a result of other causes, such as trauma, but who had been exposed prior to death.

B. Prior to disposal

i. Every person in charge of disposing of any human remains must maintain a written record of each set of human remains and all available information to identify the decedent and the circumstances of death and disposal. If the human remains cannot be identified, prior to disposal, a qualified person must, to the extent possible, take fingerprints and one or more photographs of the human remains, and collect a DNA specimen. The Director may by order require collection of specific tissue samples or performance of specific tests. All information gathered under this paragraph must be promptly forwarded to DPH. Identification must be handled by the agencies that have laboratories suitable for DNA identification.

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ii. All human remains of a person who has died from an infectious disease must be clearly labeled with all available information to identify the decedent and the circumstances of death. Any human remains of a deceased person with an infectious disease must have an external, clearly visible tag indicating that the human remains are infected and, if known, the infectious disease. The person in charge of disposing of such human remains shall report to DPH the identifying information and the date, means and place of disposal.

C. If DPH concludes that there is no public health reason to require disposal within twenty-four hours of human remains of persons who have died of an infectious disease, DPH shall so notify coroners, medical examiners, and funeral directors.

### **61-114. South Carolina Birth Defects Program.**

Statutory Authority: S.C. Code Sections 44-44-10 through 44-44-160.

#### **Amend R.61-114 regulation number and move to Chapter 60 to read:**

60-114. South Carolina Birth Defects Program.

#### **Amend R.61-114, Section A to read:**

This regulation establishes standards for implementing provisions of Sections 44-44-10 through 44-44-160 of the South Carolina Code of Laws, 1976, as amended, regarding the public health monitoring of birth defects identified in children up to two years of age in South Carolina. The Birth Defects Act of 2004 established the South Carolina Birth Defects Program (SCBDP) within the Department of Public Health. The Department has been given the legislative mandate to promulgate regulations for public health monitoring of birth defects and to ensure compliance with the public health monitoring of children born in South Carolina. The responsibilities of the various agencies, institutions and persons involved in public health surveillance and monitoring of birth defects are defined. Procedures for public health surveillance and monitoring, use of data, and maintenance of confidentiality are included.

#### **Amend R.61-114, Section B.2 to read:**

2. “Department” means the South Carolina Department of Public Health.

### **61-116. South Carolina Trauma Care Systems.**

Statutory Authority: S.C. Code Sections 44-61-510 et seq.

#### **Amend R.61-116 regulation number and move to Chapter 60 to read:**

60-116. South Carolina Trauma Care Systems.

#### **Amend R.61-116, Section 100.D to read:**

D. Department. The South Carolina Department of Public Health (DPH).

### **61-118. South Carolina Stroke Care System.**

Statutory Authority: S.C. Code Sections 44-61-610 et seq.

#### **Amend R.61-118 regulation number and move to Chapter 60 to read:**

60-118. South Carolina Stroke Care System.

**Amend R.61-118, Section 100.F to read:**

F. Department. The South Carolina Department of Public Health (“DPH”).

**61-120. South Carolina Immunization Registry.**

Statutory Authority: S.C. Code Section 44-29-40.

**Amend R.61-120 regulation number and move to Chapter 60 to read:**

60-120. South Carolina Immunization Registry.

**Amend R.61-120, Section B.2 to read:**

2. DEPARTMENT means the Department of Public Health.

**61-122. Standards for Licensing In-Home Care Providers.**

Statutory Authority: S.C. Code Sections 44-70-10 et seq.

**Amend R.61-122 regulation number and move to Chapter 60 to read:**

60-122. Standards for Licensing In-Home Care Providers.

**61-123. Critical Congenital Heart Screening on Newborns.**

Statutory Authority: 1976 Code Sections 44-37-70 et seq.

**Amend R.61-123 regulation number and move to Chapter 60 to read:**

60-123. Critical Congenital Heart Screening on Newborns.

**Amend R.61-123, Section 102.A, B, and C to read:**

A. Birthing facility. An inpatient or ambulatory health care facility licensed by the Department of Public Health that provides birthing and newborn care services.

B. Department. The South Carolina Department of Public Health.

C. Department Approved Screening. A critical congenital heart defects screening approved by the Department of Public Health as an alternative to pulse oximetry screening based on standards set forth by the United States Secretary of Health and Human Services’ Advisory Committee on Heritable Disorders in Newborns and Children, the American Heart Association, and the American Academy of Pediatrics.

**61-125. Standards for Licensing Crisis Stabilization Unit Facilities.**

Statutory Authority: S.C. Code Section 44-7-260.

**Amend R.61-125 regulation number and move to Chapter 60 to read:**

60-125. Standards for Licensing Crisis Stabilization Unit Facilities.

**Fiscal Impact Statement:**



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Implementation of these regulatory amendments will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of these regulations.

### Statement of Rationale:

The Department proposes amending the DPH regulations to conform to 2023 Act No. 60 (Act). Pursuant to Section 14(B) of the Act, the health-related regulations currently under Chapter 61 – Department of Health and Environmental Control of the S.C. Code of Regulations are transferred to DPH. In accordance with this provision, DPH proposes transferring all the regulations listed above from Chapter 61 to the new Chapter 60 in the S.C. Code of Regulations, with the Chapter title of Department of Public Health. Additionally, DPH proposes amending references to the Department of Health and Environmental Control, including definitions, acronyms, email addresses, physical addresses, and other references in each listed regulation to conform to the provisions of 2023 Act No. 60.

Document No. 5242  
**PUBLIC SERVICE COMMISSION**  
CHAPTER 103

Statutory Authority: 1976 Code Sections 58-3-140, 58-23-590, 58-23-1010, 58-23-1070, and 58-23-1130

- 103-102. Definitions of Terms.
- 103-110. Class “A” Motor Carrier – Certificate of Public Convenience and Necessity.
- 103-111. Class “B” Motor Carrier – Certificate of Public Convenience and Necessity.
- 103-112. Class “C” Motor Carrier – Certificate of Public Convenience and Necessity.
- 103-114. Class “E” Motor Carrier – Certificate of Public Convenience and Necessity.
- 103-115. Class “F” Motor Carrier – Certificate of Public Convenience and Necessity.
- 103-130. Applications Required.
- 103-132. Publication of Notice of Filing.
- 103-133. Proof Required to Justify Approving an Application.
- 103-134. When Hearing May Be Held.
- 103-135. Sale, Lease, or Other Transfer of a Certificate of PC&N or FWA.
- 103-136. Protest.
- 103-137. Amendments.
- 103-138. Restrictions, Limitations, and Terms.
- 103-139. Processing of Application by Applicant.
- 103-140. Request for Extension to Comply with Commission Order. (New)
- 103-150. Beginning Operations under a Certificate.
- 103-151. Registration of Motor Vehicles.
- 103-153. Marking or Identification of Vehicles.
- 103-154. License Decals and Vehicle Permit Cards.
- 103-155. Transfer of Certificate of PC&N or Certificate of FWA Without Commission Approval Prohibited.
- 103-157. Duplication of Authority.
- 103-158. Issuance of Bills of Lading.
- 103-159. Contents of Bills of Lading.
- 103-162. Bill of Lading to Accompany Shipment.
- 103-164. Suspension of Operations.
- 103-173. Cargo Insurance or Surety Bond Required of Motor Carrier.
- 103-178. Number of Copies Required.
- 103-190. Tariffs Must Be Approved before Commencement of Operations.
- 103-191. Commission to Establish Rates, etc.
- 103-192. Rates Must Be Just and Reasonable.
- 103-193. Hearing and Publication on New Rate Schedule.
- 103-194. Criteria for Establishment of Rates.

- 103-195. Duties of Class E Household Good Movers As to Service and Regulations.
- 103-196. Maintenance of Copies of Tariffs.
- 103-197. Undue Preference Not Permitted.
- 103-198. Variations in Charges Prohibited.
- 103-199. Allowances Prohibited.
- 103-199.5. Adjustment of Bills.
- 103-210. Applications Must Specifically Set Forth Commodities Applied for.
- 103-220. Use of Leased Vehicles.
- 103-223. Safety Inspection of Leased Equipment.
- 103-230. Accounting.
- 103-231. Annual Reports.
- 103-232. Equipment Record.
- 103-233. Inspection of Vehicles, Books, Records, etc.
- 103-240. Grounds of Revocation of Certificate.

### Synopsis:

The Public Service Commission of South Carolina Staff began conducting its formal review of all its regulations under S.C. Code Ann. Section 1-23-120(J) when it opened Docket No. 2020-247-A on Wednesday, October 14, 2020. The Commission Staff, after it opened Docket No. 2020-247-A, provided the opportunity for interested stakeholders to recommend changes to the Commission's Article 2, Motor Carriers Regulations via written comments and oral comments at its publicly noticed workshops.

### Section-by-Section Discussion:

|          |       |   |
|----------|-------|---|
| 103-102. | Amend | Delete references to "PC&N", "a Certificate of FWA", and "Charter Bus Certificate"; delete the definition "Certificate of FWA"; delete reference to "public convenience and necessity"; delete "and which remuneration is determined on an hourly basis"; add definitions for "Class C Non-Emergency Certificate" and "Class C Stretcher Van Certificate"; amend the definition for "Driver"; amend the definition for "Non-Emergency Vehicle"; delete the definition for "Wheelchair Van Patient"; delete the phrase "Wheelchair Van" and replace it with the phrase "Wheelchair-Accessible Vehicle" and amend the definition for the former phrase "Wheelchair Van"; amend the definition for "Equipped to Carry" |
| 103-110. | Amend | Delete "of Public Convenience and Necessity" and delete "of PC&N"   |

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|          |        |   |
|----------|--------|---|
| 103-111. | Amend  | Delete “of Public Convenience and Necessity” and “of PC&N”  |
| 103-112. | Amend  | Delete “of Public Convenience and Necessity” and “of PC&N”; make a spelling correction; and add “and ‘stretcher vans’”  |
| 103-114. | Amend  | Delete “of Public Convenience and Necessity”; and delete “of PC&N or FWA”   |
| 103-115. | Amend  | Delete “of Public Convenience and Necessity” and “of PC&N”  |
| 103-130. | Amend  | Delete “Certificate of PC&N, Certificate of FWA, Charter Bus Certificate”   |
| 103-132. | Delete | Delete Regulation 103-132 due to Act No. 214 of 2022  |
| 103-133. | Amend  | Delete the constraint that motor carrier applications cannot be amended within forty-eight hours of a scheduled hearing; delete references to “PC&N” and “public convenience and necessity” to conform Regulation to Act No. 214 of 2022; add requirements for the “Fit” element; amend the requirement for the “Able” element; and delete the requirement allowing the motor carrier applicant to file a statement indicating the applicant’s purpose for seeking a Class E Certificate; delete the requirements for filing for a “Certificate of FWA”; require an applicant to file a safety rating with the application if the rating is in the motor carrier’s possession; including gender neutral references; deleting specific references to federal citations; amend the requirements for Non-Emergency Vehicles’ Driver Qualifications/Requirements and Non-Emergency Vehicles’ Vehicle Requirements; delete Non-Emergency Vehicles’ Vehicle Maintenance Requirements; amend Non-Emergency Vehicles’ Minimum Periodic Inspection |

|          |           |  |
|----------|-----------|--|
|          |           | Standards; amend Non-Emergency Vehicles' Schedule of Minimum Insurance Limits; delete Class C-Taxis and Class C-Charter Carriers definition "Engaging in Business" and its definition and make Identification Badges applicable to Class C-Charter Carriers; delete the words "cab", "or package delivery" and "or packages"; for Stretcher Vans: delete "wheelchair van", add "wheelchair-accessible vehicle", delete "of Public Convenience and Necessity", include gender neutral references. |
| 103-134. | Amend     | Amend regulation to conform Regulation to Act No. 214 of 2022  |
| 103-135. | Amend     | Delete references to "FWA" and "PC&N"  |
| 103-136. | Delete    | Delete regulation to conform Regulation to Act No. 214 of 2022   |
| 103-137. | Delete    | Delete regulation due to Act No. 214 of 2022   |
| 103-138. | Amend     | Delete references to "of PC&N" and references to "Public Convenience and Necessity"  |
| 103-139. | Amend     | Delete references to "PC&N, FWA, or a Charter Bus Certificate" and "within 90 days of receipt of the notice of filing" and add "or rejected"   |
| 103-140. | Add (New) | Adding requirements for extensions to comply with a Commission Order   |
| 103-150. | Amend     | Delete references to "PC&N"; delete requirements for beginning operations under a Certificate of FWA; delete the phrase "taxi cab or limousine" and "cab"; add the phrase "motor vehicle"; delete "passenger"; add "person"; amend to allow an ORS representative and other persons to take a motor vehicle "out of service"; and include a gender neutral reference   |
| 103-151. | Amend     | Delete "provided however, a tractor permit card may not be   |

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|          |        |   |
|----------|--------|---|
|          |        | transferred to a truck” and delete “semiannually, in advance” and “and July 1”  |
| 103-153. | Amend  | Delete “place of principal office” and add a new example and delete a gender reference  |
| 103-154. | Amend  | Add the conjunction “if” and delete “of PC&N”   |
| 103-155. | Amend  | Delete “of PC&N or Certificate of FWA”  |
| 103-157. | Delete | Delete due to contradiction with current law  |
| 103-158. | Amend  | Delete “of PC&N and FWA”  |
| 103-159. | Amend  | Add “via paper or electronic means” and “signature of cosignor/shipper”; delete and add the word “and”  |
| 103-162. | Amend  | Delete “of PC&N or FWA”   |
| 103-164. | Amend  | Add requirements for applicant to indicate time period for the proposed suspension of service and delete information related to an application for suspension of operations in excess of twelve months  |
| 103-173. | Amend  | Add criteria for Class E motor carriers’ valuations and delete “Carriers of Extremely Low Valued Commodities Excepted.<br>Motor carriers who possess authority to haul only commodities of extremely low value are not required to comply with the provisions of this rule.”  |
| 103-178. | Amend  | Amend title of regulation and delete “in triplicate”  |
| 103-190. | Amend  | Amend title of regulation; delete “of PC&N”; conform regulation to Act 214 of 2022; reference regulation 103-173 and delete “basic amount” and “insurance for excess” related to Declaration of Value and delete reference to “excess value”; add “if any” to apply to Governing Publications; and add “Motor vehicle carriers need only file maximum rates with the Commission and provide a copy to the ORS.” |
| 103-191. | Delete | Delete Regulation due to enactment of Act 214 of 2022   |

|            |        |   |
|------------|--------|---|
| 103-192.   | Delete | Delete Regulation due to enactment of Act 214 of 2022   |
| 103-193.   | Delete | Delete Regulation due to enactment of Act 214 of 2022   |
| 103-194.   | Delete | Delete Regulation due to enactment of Act 214 of 2022   |
| 103-195.   | Amend  | Delete “of PC&N and FWA”  |
| 103-196.   | Amend  | Delete “of PC&N” and “and approved by”  |
| 103-197.   | Delete | Delete Regulation due to enactment of Act 214 of 2022   |
| 103-198.   | Delete | Delete Regulation due to enactment of Act 214 of 2022   |
| 103-199.   | Delete | Delete Regulation due to enactment of Act 214 of 2022   |
| 103-199.5. | Amend  | Amend regulation to conform to Act 214 of 2022; delete language governing “Customer Inadvertently Undercharged”; provide S. C. Code Ann. Section 34-31-20(A) governs transactions when a customer is willfully overcharged; and amend to provide the basis of motor carriers’ charges shall be provided to customers in writing and other related issues. |
| 103-210.   | Amend  | Delete gender reference and “of PC&N”, strike “1976”, strike “25” and add “Code Ann.”   |
| 103-220.   | Amend  | Amend the number of lease agreements copies filed   |
| 103-223.   | Amend  | Delete gender reference and correct misspelled word   |
| 103-230.   | Amend  | Amend to include manifests and retention period for manifests   |
| 103-231.   | Delete | Delete as Annual Reports are not required to be filed   |
| 103-232.   | Amend  | Delete “of PC&N and FWA”  |
| 103-233.   | Amend  | Delete “of PC&N and FWA” and delete a gender reference  |
| 103-240.   | Amend  | Delete references to PC&N and Certificate of FWA  |

The Notice of Drafting was published in the *State Register* on May 26, 2023.

#### Instructions:

Please print the regulations as shown below, and all other items remain unchanged.

#### Text:

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### 103-102. Definitions of Terms.

As used herein, the following terms shall be accorded meaning as indicated:

1. **Certificated Carrier.** “Certificated Carrier” means a motor carrier operating under a Certificate.
2. **Certificate.** “Certificate” means the certificate authorized to be issued under the provisions of Chapter 23 of Title 58 of the Code of Laws of South Carolina, 1976. Certificates shall be required of all for-hire passenger carriers, household good carriers (except those operating exclusively within the limits of any municipality), and hazardous waste for disposal carriers. Holders of Certificates shall be considered regulated carriers.
3. **Charter Bus Certificate.** A “Charter Bus Certificate” is a certificate issued to charter bus motor carriers which signifies that the motor carrier has met all of the insurance requirements of the commission, and all of the safety requirements of the South Carolina Department of Public Safety. A Charter Bus Certificate shall be denominated “Class C-Charter Bus.”
4. **Charter Bus.** “Charter Bus” is a passenger carrier equipped to carry sixteen (16) or more passengers.
5. **Class C Charter Certificate.** “Class C Charter Certificate” is a Class C certificate required to be held by service providers engaged in passenger for hire transportation using any motor vehicle equipped to carry up to fifteen (15) passengers and accepting passengers exclusively on a pre-arranged basis. A Class C Charter Certificate shall be denominated “Class C - Charter.”
6. **Class C Taxi Certificate.** “Class C Taxi Certificate” is a Class C certificate required to be held by service providers engaged in passenger for hire transportation using any motor vehicle equipped to carry up to fifteen (15) passengers, whether or not equipped to handle wheelchairs, which operates on call or demand/response service whereby remuneration is determined on a per trip basis. The issuance of a Taxi certificate signifies that the motor carrier has met all of the requirements of the commission and all of the safety requirements of the Department of Public Safety. A Class C Taxi Certificate shall be denominated “Class C - Taxi.”
7. **Class C Non-Emergency Certificate.** “Class C Non-Emergency Certificate” is a Class C Certificate required to be held by service providers engaged in passenger for hire transportation using any motor vehicle for transportation over irregular routes, to or from medical facilities only in non-emergency situations.
8. **Class C Stretcher Van Certificate.** “Class C Stretcher Van Certificate” is a Class C Certificate required to be held by service providers engaged in passenger for hire transportation using any motor vehicle to provide transportation to passengers, to or from medical facilities only, that are non-ambulatory and cannot be transported in a wheel-chair van over irregular routes.
9. **Commission.** “Commission” means the Public Service Commission of South Carolina.
10. **Common Carrier by Motor Vehicle.** “Common Carrier by Motor Vehicle” means any person which holds itself out to the general public to engage in the transportation by motor vehicle in intrastate commerce of persons or property for compensation, whether over regular or irregular routes, except as exempted in Section 58-23-50 and Section 58-23-70 of Code of Laws of South Carolina, 1976.
11. **Contract Carrier by Motor Vehicle.** “Contract Carrier by Motor Vehicle” means any person which engages in transportation by motor vehicle of property in intrastate commerce for compensation under contracts with one person or a limited number of persons either (a) for the furnishing of transportation service through the assignment of motor vehicles to the exclusive use of each person served, or (b) for the furnishing of transportation services designed to meet the distinct need of each individual customer.
12. **Corporation.** “Corporation” means a corporation, company, association, or joint stock association.

13. Driver. “Driver” or “Operator” shall mean any person who physically operates a motor vehicle under the jurisdiction of the Commission as an owner, agent, lessee, independent contractor or employee of any certificated carrier.

14. Interstate Commerce. “Interstate Commerce” means commerce between any place in a state and any place in another state.

15. Intrastate Commerce. “Intrastate Commerce” means commerce between points and over a route or within a territory wholly within this State, which commerce is not a part of a prior or subsequent movement to or from points outside of this State in interstate or foreign commerce, and includes all transportation within this State for compensation which has been exempted by Congress from federal regulation in interstate or foreign commerce.

16. Limousine. A “Limousine” shall mean any motor vehicle equipped to carry up to fifteen (15) passengers which exclusively engages in “Class C Charter” operations. Limousines shall be required to obtain a Class C - Charter certificate.

17. Motor Carrier. “Motor Carrier” means both a common carrier by motor vehicle and a contract carrier by motor vehicle.

18. Motor Vehicle Carrier Law. “Motor Vehicle Carrier Law” means Articles 1 to 11 and 15 of Chapter 23 of Title 58 of the Code of Laws of South Carolina, 1976.

19. Motor Vehicle. “Motor Vehicle” means any vehicle, machine, tractor, semi-trailer, or any combination thereof, which is propelled or drawn by mechanical power and used upon the highways of this State.

20. Municipality. “Municipality” means any incorporated city or town within the State of South Carolina.

21. Non-Emergency Vehicle. “Non-Emergency Vehicle” means a vehicle that is used for providing, for a fee or charge, non-emergency, medically necessary transportation, for passengers.

22. ORS. The “ORS” means the South Carolina Office of Regulatory Staff.

23. Person. “Person” means any individual, firm, partnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

24. Public Highway. “Public Highway” means every improved public highway in this State which is or may hereafter be declared to be a part of the state highway system or any county highway system or a street of any city or town.

25. Rates. “Rates” include rates, fares, tolls, rentals and charges.

26. State. “State” means the State of South Carolina.

27. STB. “STB” means Surface Transportation Board.

28. Tariff. “Tariff” means any schedule or publication showing the rates, fares, charges, rules, regulations, and classifications for the transportation within this State of persons and property.

29. Taxi. A “Taxi” or “Taxi Cab” means a passenger carrier vehicle capable of carrying between one and fifteen passengers, the use or transportation in which is paid for or billed to the passengers on a per trip basis.

30. Wheelchair-Accessible Vehicle. “Wheelchair-Accessible Vehicle” means a Non-Emergency Vehicle other than a taxi cab which is modified, equipped and used for the purpose of providing non-emergency medical



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transportation for passengers in wheeled and seated mobility devices. These vehicles are specifically designed and modified to load and transport both ambulatory and wheeled and seated mobility device-bound passengers in a safe and secure manner.

31. Equipped to Carry. “Equipped to carry” means the maximum number of adult persons that can be seated in a motor vehicle as assigned by the original manufacturer. Efforts to circumvent regulation or proper licensing by altering the seating configuration will not absolve the carrier from failing to obtain the proper certificate from the commission.

32. Passenger. “Passenger” means every person carried or riding in a motor carrier, including the driver.

### 103-110. Class “A” Motor Carrier - Certificate.

A Class A motor carrier is a common carrier by motor vehicle of passengers, operating over regular routes and upon regular schedules as filed with and approved by the commission. Class A Certificates for the transportation of passengers shall include the authority to transport in the same vehicle with the passengers, baggage, express, mail and newspapers, and to transport baggage of passengers in separate motor vehicles when necessary, provided, however, that such articles for shipment shall be originated and terminated at a terminal of the transporting Class A Certificate holder or of some other Class A carrier, and holders of Class A Certificates approved by the commission and issued by the ORS may transport special or chartered parties originating along their authorized routes to any point intrastate and return, subject to the Rules and Regulations of the commission pertaining thereto, provided further, however, that this provision shall not be applicable to Class A Certificates which are restricted. A Class A motor carrier must obtain a Certificate from the ORS after approval by the commission.

### 103-111. Class “B” Motor Carrier - Certificate.

A Class B motor carrier is a common carrier by motor vehicle of passengers which does not propose to operate regularly upon a fixed schedule or route and which only desires to operate over a particular route or routes that are not already served by one or more Class A motor carriers. A Class B motor carrier must obtain a Certificate from the ORS after approval by the commission.

### 103-112. Class “C” Motor Carrier - Certificate.

A Class C motor carrier is a common carrier by motor vehicle of passengers, generally known as “taxi cabs,” “charter buses,” “charter limousines,” “non-emergency vehicles,” and “stretcher vans,” which does not operate over regular routes or upon regular schedules, and which does not, in any way, solicit or receive patronage outside of the radius of two miles of the corporate limits of the city in which it is licensed to do business, except upon such highways as are not served by a Class A or B motor carrier. A Class C motor carrier must obtain a Certificate from the ORS after approval by the commission, except “charter buses,” which must obtain a Charter Bus Certificate.

### 103-114. Class “E” Motor Carrier - Certificate.

A Class E motor carrier is a common carrier of property (household goods or hazardous waste for disposal) by motor vehicle including a motor vehicle containing goods packed by a packing service. A Class E motor carrier must obtain a Certificate from the ORS after approval by the commission.

### 103-115. Class “F” Motor Carrier - Certificate.

A Class F motor carrier is a contract carrier by motor vehicle of hazardous waste for disposal which operates over irregular routes and upon irregular schedules under contract as filed with and approved by the commission and which does not solicit or receive patronage along any such routes. No motor carrier shall be allowed to

acquire more than one Class F Certificate, and each Class F Certificate issued may not have more than three contracts attached thereto at any one time. A Class F motor carrier must obtain a Certificate from the ORS after approval by the commission.

#### 103-130. Applications Required.

Any person desiring to operate in this State as a motor carrier for hire first shall file an application for the type of certificate needed with the commission on forms to be furnished by the commission. All required information on the application forms must be correctly completed before filing of such application will be accepted.

#### 103-132. Repealed.

#### 103-133. Proof Required to Justify Approving an Application.

1. Household Goods or Hazardous Waste for Disposal. An application for a Certificate or to amend a Certificate to operate as a carrier of household goods or hazardous waste for disposal by motor vehicle may be approved upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service. The following criteria should be used by the commission in determining that an applicant for motor carrier operating authority is fit, willing, and able to provide the requested service to the public:

a. FIT. Applicants should certify that there are no outstanding judgments pending against such applicant and that applicant is financially fit to do business as a certified carrier. The applicant should further certify that the applicant is familiar with all statutes and regulations, including safety operations in South Carolina, and agree to operate in compliance with these statutes and regulations.

b. ABLE. The applicant should demonstrate that the applicant has either purchased or leased on a long-term basis necessary equipment or at a minimum provide documentation of a quote for a purchase or lease on a long-term basis for necessary equipment to provide the service for which the applicant is applying. Thirty days or more shall constitute a long-term basis. The applicant must undergo an inspection of all vehicles and facilities to be used to provide the proposed service. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that the applicant is aware of the commission's insurance requirements and the costs associated therewith.

c. WILLING. Having met the requirements as to "fit and able," the submitting of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought.

#### 2. For Contract Carrier Authority.

a. If the application is for a Class F Certificate to operate as a contract carrier of hazardous waste for disposal or is for an amendment or addition thereto, two copies of the written bilateral contract between the supporting shipper and the applicant must accompany the application setting forth the services proposed, the rates and charges, the duration of the contract, the parties thereto, the territory to be served, and the commodities to be hauled.

b. An application for a Class F Certificate to operate as a contract carrier or an addition thereto may be approved upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service. (To determine whether a carrier is fit, willing, able, see R. 103-133(1).)

c. Once a contract with a particular shipper is approved by the commission, that contract may be renewed periodically by merely filing two copies thereof with the commission and serving the same number of copies on ORS, provided, however, that in no event will the renewal contract alter in any way the commodities authorized

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to be hauled or the territory authorized to be served. Any alteration of contract terms or rates must also receive the specific approval of the commission which may or may not require notice.

### 3. Passengers.

An application for a Certificate or to amend a Certificate to operate as a carrier of passengers by motor vehicle may be approved upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service. The following criteria should be used by the commission in determining that an applicant for motor carrier operating authority is fit, willing, and able to provide the requested service to the public:

a. FIT. If the applicant has a safety rating, it must be provided with the application. The applicant must demonstrate the applicant proposes to operate satisfactorily. This may be obtained from U.S.D.O.T. and S.C.D.P.S. safety records, if available. Applicants should also certify that there are no outstanding judgments pending against such applicant and that applicant is financially fit to do business as a certified carrier. The applicant should further certify that the applicant is familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina and agree to operate in compliance with these statutes and regulations.

b. ABLE. The applicant should demonstrate that the applicant has purchased, leased, or otherwise arranged for obtaining necessary equipment to provide the service for which the applicant is applying. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that the applicant is aware of the commission's insurance requirements and the costs associated therewith.

c. WILLING. Having met the requirements as to "fit and able", the submitting of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought. The applicant must demonstrate a willingness to comply with all commission regulations.

4. Charter Bus Certificate. An application for a Charter Bus Certificate or to amend a Charter Bus Certificate to operate as a carrier of 16 or more passengers by motor vehicle may be approved upon a showing that the applicant meets the insurance requirements of the commission and the safety requirements of the South Carolina Department of Public Safety, USDOT and other federal safety regulations and guidelines.

### 5. Non-Emergency Vehicles.

In addition to meeting the requirements set out in 103-133(3) above and any and all definitions addressed in the Federal Motor Carrier Safety Regulations (Code of Federal Regulations, Title 49) hereinafter known as the Carrier Safety Administration (CSA) Safety Regulations, applicants for a Certificate for non-emergency vehicles must meet the following requirements:

#### A. Driver Qualifications/Requirements.

##### 1. At a minimum, the carrier must comply with the following requirements:

a. Driver must possess at least a current Medical Examiner Certificate and American Red Cross Standard First Aid and CPR Certificate or its equivalent. Records of such must be kept on file at company's primary place of business within South Carolina.

b. Driver must be in compliance with all OSHA regulations.

c. Driver must be adequately trained in the use of all vehicle equipment as outlined in the Vehicle Requirement Section of these Regulations.

d. Driver must be able to physically perform actions necessary to assist persons with disabilities, including wheelchair users.

e. Driver must wear a professional uniform and photo identification badge that easily identifies the driver and the company for whom that driver works.

f. Driver must complete 12 hours of in-service training annually 6 of which must be CPR and First Aid, and 6 of which must be in the area of safety. Records of such must be kept on file at company's primary place of business within South Carolina.

g. All drivers must be a minimum of 18 years of age.

h. Driving Record. A certified copy of the driver's three (3) year driving record issued by the South Carolina Department of Motor Vehicles and such record from the DMV of the state in which the driver is or has been domiciled for such period.

i. Criminal Background Check. A national criminal history background check.

j. Sex Offender Registry. All Class C certificate holders are prohibited from employing or leasing vehicles to drivers who are registered, or required to be registered, as a sex offender with the South Carolina State Law Enforcement Division (SLED) or any national registry of sex offenders. All certificate holders who are registered, or required to be registered, as a sex offender with SLED or any national registry of sex offenders are prohibited from driving a motor vehicle. Any driver who is placed on a Sex Offender Registry shall notify the ORS and the certificate holder under which they operate of their status and shall immediately cease to operate as a driver.

#### **B. Vehicle Requirements.**

1. Any vehicle purchased on or after the effective date of these regulations shall comply with the following vehicle requirements. The Applicant must certify on a commission prescribed form that its vehicles meet, at a minimum, the following standards.

a. All Non-Emergency Vehicles shall be equipped with at least the following:

(1) Approved seat belt assemblies for all passenger seating locations.

(2) Interior and exterior lighting which must meet state and federal requirements. In addition, all standard motor vehicle equipment must be in working order (e.g., all lamps, windshield wipers, horn, emergency flashers/hazard lights, and all other standard motor vehicle equipment.)

(3) Locking devices for all doors and all door latches which shall be in operation from inside and outside on all vehicles manufactured and first registered after January 1, 1980.

(4) Foot stool or extra step for loading.

(5) Sanitary and functional seat covers.

(6) Spare wheel, jack and tire tools necessary to make minor repairs, except when operating service cars are immediately available.

(7) Fire extinguisher, Type ABC, 4lbs. or more dry powder or carbon dioxide, inspected annually. Proof of annual inspection shall be attached to each fire extinguisher.

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(8) Identification display of the name under which the Non-Emergency Vehicle is doing business or providing service, on both sides and the rear of each such vehicle in letters no less than three inches high that contrast sharply with the van's background and are easily read from at least 20 feet. All Non-Emergency Vehicles operated under the same certificate shall display the same identification.

(9) Exterior rearview mirrors affixed to both sides of the vehicle and in working order. There may not be any chips, cracks, or anything else that limits the driver's view.

(10) A two-way radio, mobile or cellular phone equipment which shall be included in the vehicle while passengers are being transported. All two-way radios must be in contact with a dispatcher or someone acting as a dispatcher, i.e., must have instant access to navigation services and the ability to summon immediate police, fire or ambulance assistance, if needed.

(11) A "No Smoking" sign prominently displayed in the passenger compartment if oxygen tanks, whether passenger tanks or vehicle equipment, are carried. If oxygen tanks are carried, they must be readily accessible and securely stored.

(12) Heating and cooling systems must be capable of providing a reasonable level of comfort inside the motor vehicle and shall have adequate ventilation to prevent the escape of engine fumes into the interior of the motor vehicle.

(13) Emergency warning devices.

b. In addition to the requirements of subsection (a) above, all wheelchair-accessible vehicles shall be equipped with at least the following:

(1) A loading entrance and a lift or ramp with load capacity in compliance with state and federal requirements and standards.

(2) Fasteners to secure the wheelchair(s), wheeled and seated mobility device(s), or stretcher(s) to the vehicle which must be of sufficient strength to prevent the chair, device, or stretcher from rotating and to prevent the chair, device, or stretcher wheels from leaving the floor in case of sudden movement and to support chairs, devices, stretchers and passengers in the event the vehicle is overturned.

### C. Drug Testing Requirements.

All carriers must implement a verifiable drug testing program for drivers. Pre-employment, post-accident, and random drug screens shall be mandatory.

### D. Minimum Periodic Inspection Standards.

1. All carriers must comply with all applicable state and federal requirements.

2. A vehicle does not pass inspection if deficient under any standard included in 1 above. Further, a vehicle does not pass an inspection if any defects or deficiencies are detected with reference to the wheelchair lift or any component relating to the loading of passenger into the vehicle.

3. Any ORS representative or any officers, drivers, agents, representatives, and employees directly concerned with the inspection or maintenance of motor vehicles may recommend that a vehicle be put "out of service" for defects or deficiencies detected with reference to applicable state and federal requirements and defects or deficiencies detected with reference to the wheelchair lift or any component relating to the loading of a passenger into the vehicle.

**E. Schedule of Minimum Insurance Limits.**

1. Notwithstanding the requirement of Regulation 103-172, insurance policies and surety bonds for bodily injury and property damage will have limits of liability not less than the following:

a. Liability Combined Each Occurrence \$1,000,000

b. Medical Payments/Each Person \$1,000

**6. Class C-Taxi and Class C-Charter Carriers.**

In addition to meeting the requirements set out in 103-133(3) above, applicants for a Certificate for Class C Taxi and Class C Charter authority, as well as all vehicle drivers operating under such authority, must meet the following requirements and provide the following information to the ORS upon request:

**A. Owner and Driver Qualifications/Requirements.**

1. All drivers must be a minimum of 18 years of age.

2. Driving Record - A certified copy of the driver's three (3) year driving record issued by the South Carolina Department of Motor Vehicles and such record from the DMV of the state in which the driver is or has been domiciled for such period.

3. State Criminal Background Check - A criminal history background check from the state where the driver currently lives.

4. Drivers License - All drivers operating a vehicle under a Class C Taxi or Class C Charter certificate must have in their possession at the time of such operation a valid drivers license issued by the South Carolina Department of Motor Vehicles or the current state of residence of the driver.

5. Sex Offender Registry - All Class C Taxi Certificate and Class C-Charter Certificate holders are prohibited from employing or leasing vehicles to drivers who are registered, or required to be registered, as a sex offender with the South Carolina State Law Enforcement Division (SLED) or any national registry of sex offenders. All certificate holders who are registered, or required to be registered, as a sex offender with SLED or any national registry of sex offenders are prohibited from driving a taxi or limousine. Any driver who is placed on a Sex Offender Registry shall notify the ORS and the certificate holder under which the driver operates of the driver's status and shall immediately cease to operate the taxi or limo.

**B. Owner and Driver Conduct/Vehicle Qualifications.**

1. Owners and drivers shall inspect the vehicle that the driver is operating daily to ensure that it can be operated safely.

2. Owners and drivers shall ensure that the interior of the vehicle is kept in a clean and sanitary condition.

3. Owners and drivers shall ensure that the general mechanical condition of the vehicle is in good operating condition and mechanical repair.

4. Owners and drivers shall ensure that the vehicle exterior meets the requirements set forth in Regulation 103-153.

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5. Owners and drivers shall ensure that jack, spare tire, and other equipment in the trunk or other storage area of the vehicle is secured, and covered with appropriate material to avoid damage to a passenger's luggage or other possessions.

6. Duty to Transport Orderly Passengers - Each driver shall transport all orderly passengers willing and able to pay the required fare, requesting services to the passenger's requested destination.

7. Passenger Discharge - Drivers shall not dismiss, discharge, or otherwise require any passenger to leave the vehicle other than at the passenger's requested destination without reasonable cause. For this purpose, "cause" means, but is not limited to, the vehicle becoming disabled, the passenger becoming disorderly by refusing to pay the authorized fare, or dangerous driving conditions. A driver who requires a passenger to leave the vehicle other than at the passenger's requested destination shall do so only at a well-lit public place, or (if the vehicle has become disabled) to another vehicle, and shall immediately notify the affiliated company of all the details of the incident.

8. Receipt - Each driver shall, upon request of the passenger making payment, and upon receipt of full payment for the authorized fare, give a receipt to the passenger making the payment.

9. Lost and Found - Any property left by a passenger in a vehicle shall be reported by the driver to the affiliated company within 30 minutes after its discovery, and thereafter returned to the passenger or the affiliated company as soon as possible, but in any event within 12 hours after its discovery, at the passenger's expense.

10. Identification Badges - While in operation, each driver shall have attached to the interior of the vehicle, in such a way as to be visible by passengers in the rear seat of the taxi, some form of picture identification. Such identification should display at a minimum the driver's name, picture, and the name of the holder of authority under a Certificate under which the driver is operating.

11. Driving Record - Each driver shall, not less frequently than annually, provide an updated copy of the driver's motor vehicle driving record to the company the driver is affiliated with or leasing to.

### 12. Manifests.

A. The driver of a taxi shall keep a daily manifest. The manifest shall contain the following information, which shall be recorded at the time specified:

1. The hour and date at which the vehicle becomes available for use as a taxi, the name of the driver and the make, registration number of such vehicle shall be recorded before the driver proceeds to pick up the first passenger.

2. The time and place of commencement and the number of passengers shall be recorded when such passengers are picked up.

3. The name and place of delivery of the passengers and the amount of the fare charged shall be recorded immediately after each trip is terminated.

4. The time and place shall be recorded immediately after the driver ceases to operate the taxi for hire for the day.

### 7. Stretcher Vans.

Stretcher van service is a mode of non-emergency transportation which may be provided to an individual who cannot be transported in a taxi or wheelchair-accessible vehicle due to being non-ambulatory. Stretcher vans are not required or authorized to provide medical monitoring, medical aid, medical care or medical treatment of

passengers during their transport. Self-administered oxygen is permitted. In addition to meeting the requirements set out in 103-133(3) and 103-133(5) above, applicants for a Certificate for stretcher van vehicles must meet the following requirements:

**A. Driver and Assistant Driver Qualifications/Requirements**

1. While providing transportation for hire, all stretcher vans shall be staffed by both a primary and an assistant driver. In addition to the general requirements provided for in 103-133(5) (A), stretcher van drivers and driver assistants shall be trained in transferring, loading and unloading passengers in stretchers.

2. A stretcher van passenger shall not be left unattended at any time.

3. The driver and driver assistant shall confirm that all restraining straps are fastened properly and the stretcher, stretcher fasteners and anchorages are properly secured prior to the vehicle transporting a passenger.

4. The driver assistant shall be seated in the passenger compartment while the vehicle is in motion and shall notify the driver of any change in the passenger's status.

5. All drivers and assistant drivers must be a minimum of 18 years of age.

6. Driving Record - The certificate holder must obtain and retain a certified copy of the driver's and the assistant driver's three (3) year driving records issued by the South Carolina Department of Motor Vehicles and such records from the DMV of the state in which the driver or the assistant driver is or has been domiciled for such period.

7. State Criminal Background Check - The certificate holder must obtain and retain criminal history background checks from the state where the driver and assistant driver currently live.

8. Drivers License - All drivers and assistant drivers operating a stretcher van must have in their possession at the time of such operation valid drivers' licenses issued by the South Carolina Department of Motor Vehicles or the current state of residence of the driver or assistant driver.

9. Sex Offender Registry - All stretcher van certificate holders are prohibited from employing drivers and assistant drivers who are registered, or required to be registered, as sex offenders with the South Carolina State Law Enforcement Division (SLED) or any national registry of sex offenders. All drivers and assistant drivers who are registered, or required to be registered, as sex offenders with SLED or any national registry of sex offenders are prohibited from driving a stretcher van. Any driver or assistant driver who is placed on a Sex Offender Registry shall notify the ORS and the certificate holder under which the driver or assistant driver operates of the driver's status and shall immediately cease to operate the stretcher van.

10. All drivers and assistant drivers must possess a current Red Cross First Aid certification or an American Safety and Health Institute certification, or certification from a program that meets or exceeds the certification standards of the Red Cross First Aid or the American Safety and Health Institute, and Adult Cardiopulmonary Resuscitation (CPR) certification. The Red Cross First Aid certification must be renewed every three years, and the Adult CPR certification must be renewed annually.

**B. Vehicle Requirements**

1. The stretcher van must be equipped with a stretcher used to transport individuals in the supine or Fowler's position.

2. Passengers shall be loaded headfirst.



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3. The approved stretcher shall be elevating and wheeled. A minimum of three (3) patient restraining straps (chest, waist, and thigh) at least two (2) inches wide shall be provided. The stretcher van shall have proper means to secure the stretcher in its position under all conditions. Crash-stable stretcher fasteners must be provided.

4. A stretcher van vehicle must be maintained in good repair and safe operating condition and shall meet the same motor vehicle safety requirements as apply to all vehicles in South Carolina. Exterior surfaces of the vehicle including windows, mirrors, warning devices and lights must be undamaged and kept clean of dirt and debris.

5. Safety belts must be provided for all passengers.

6. Self-administered oxygen must be secured in accordance with AMD (Ambulance Manufacturers Division of the National Truck Equipment Association) Standard 003, "Oxygen Tank Retention System Test."

7. The interior of the stretcher van vehicle shall include secured storage compartments.

8. All storage compartments, supplies and equipment shall be kept clean and sanitary.

9. A stretcher van shall not contain medical equipment or supplies or display any marking, symbols or warning devices that imply that it offers medical care or ambulance transportation.

10. A stretcher van shall not respond or transport a person if the request for service originated within a public dispatch system.

### C. Limitations and Conditions of Service

1. Stretcher van vehicles shall not be used:

a. To transport a passenger who requires medical monitoring.

b. To transport more than one (1) stretcher passenger at a time.

c. To transport a person who is being administered intravenous fluids.

d. To transport a person who needs or may need oxygen unless that person's physician has prescribed oxygen as a self-administered therapy.

e. To transport a passenger who needs or may need suctioning.

f. To transport a passenger who has sustained an injury and has not yet been evaluated by a physician.

g. To transport a passenger who is experiencing an acute condition or the exacerbation of a chronic condition or a sudden injury or illness.

h. To transport a passenger who needs to be transported from one hospital to another hospital if the destination hospital is the same level or a higher level as the hospital of origin.

i. To transport a passenger who is being evaluated in an emergency room and for any reason must be transported to another hospital for diagnostic tests that are not available at the first hospital.

2. An individual must not be transported in a stretcher van, if the individual has a written statement from a licensed physician stating that the individual must not be transported in a stretcher van.

## 103-134. When Hearing May Be Held.

1. If an objection to a motor vehicle carrier Application is filed with the Commission, the Commission must hold a hearing to determine if the Applicant is fit, willing, and able to perform the proposed service. The Commission must publish a Notice of Hearing for an Application for a Certificate on the Commission's website for not less than 30 days before the date of the hearing. A Notice of Hearing including the date, time, and place of hearing will be electronically served or mailed to all parties of record. The hearing must be scheduled within 60 days of the filing of the objection.

2. Objections to a motor vehicle carrier Application shall set forth clearly and concisely the facts from which the nature of the objector's alleged right of interest can be determined; the grounds of the objection; and the position of the objector.

## 103-135. Sale, Lease or Other Transfer of a Certificate.

1. Application Required. Application for approval of sale, lease or other transfer of a Certificate shall be filed with the commission and served on the ORS. The application forms shall be provided by the commission. No application is deemed filed until all the required information is completed and all the appropriate signatures obtained.

2. Application to Lease a Certificate. If the application is for approval of a lease of a certificate, a copy of the proposed lease agreement must be filed with the application and must contain the entire agreement between the parties. Only one entity may operate at a time per certificate.

## 3. Application to Sell or Otherwise Transfer a Certificate.

a. If the application is for approval of a sale or other transfer of a certificate, a copy of the proposed sales or other transfer agreement must be filed with the application and must contain the entire agreement between parties, including (1) an accurate description of the operating rights and other property to be transferred, and (2) the purchase price agreed upon and all the terms and conditions with respect to the payment of the same.

b. No sale or other transfer of a Certificate shall be approved by the commission until the transferor (seller) has filed with the commission and served on the ORS a statement under oath showing (1) all assets of the holder of the certificate to be sold, (2) all debts and claims against the transferor (seller) of which such seller has any knowledge or notice, (3) wages due employees of the transferor (seller), (4) unremitted COD collections due shippers, (5) claims for loss of or damage to goods transported or received for transportation, (6) claims for overcharges on property transported, and (7) interline accounts due other carriers. There also shall be filed with the commission and served on the ORS a verified statement from the transferee (purchaser) or an authorized agent or officer thereof, guaranteeing the payment of all just obligations as listed in the sworn statement of the seller. This subsection shall not be applicable to sales by personal representatives of deceased or incompetent persons, receivers, or trustees in bankruptcy under court order.

c. Once a contract with a particular shipper is approved by the commission, that contract may be renewed periodically by merely filing two copies thereof with the commission and serving the same number of copies on ORS, provided, however, that in no event will the renewal contract alter in any way the commodities authorized to be hauled or the territory authorized to be served. Any alteration of contract terms or rates must also receive the specific approval of the commission which may or may not require notice.

4. Proof Required. The commission shall approve an application for lease, sale, or other transfer of a Certificate made under this section upon finding (1) that sale, assignment, pledge, transfer, change of control, lease, merger, or combination thereof will not adversely affect the service to the public under said certificate, (2) that the person acquiring said certificate or control thereof is fit, willing, and able to perform such service to the public under said certificate, and (3) that all services under said certificate have been continuously offered and

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reasonably provided to the public for a period of time not less than twelve months prior to the date of the filing of the application for approval of the sale, lease or transfer of said certificate, or, in lieu thereof, that any suspension of service exceeding thirty (30) days shall have been approved by the commission, seasonal suspensions excepted. No sale, lease, transfer, assignment, or hypothecation of a Certificate will be approved where such action would be destructive of competition or would create an unlawful monopoly.

If the application does not contain evidence that the authorized services have been continuously offered and reasonably provided to the public for a period of time not less than twelve (12) months prior to the date of the filing of the application, the application may be denied.

5. Dividing Operating Rights Prohibited by Class E Certificate Holders. Operating rights issued under a commission Class E Certificate may not be split or divided and thereafter sold, transferred, assigned, mortgaged, pledged, or hypothecated by the sale of stock or otherwise, without prior approval of the commission. Leasing of vehicles by Class C Taxi Certificate holders shall not be considered splitting or dividing operating rights.

6. It is unlawful for any person to sell, lease, or otherwise transfer a Class E Certificate issued or authorized to be issued after July 1, 1983, under the provisions of Chapter 23 of Title 58 for money, goods, services, or any other thing of value. Class C Taxi Certificate holders who lease taxi cabs to drivers who have signed agreements agreeing to comply with commission regulations shall not be considered to have leased or transferred its authority. A certificate may be transferred incident to the sale or lease of property or assets owned or used by a regulated motor carrier, provided the approval of the commission for the transfer of the certificate is first obtained and that the certificate itself is not transferred for value or utilized to enhance the value of other property transferred. Nothing herein shall affect the sale, lease, or otherwise transfer of a certificate of public convenience and necessity issued prior to July 1, 1983.

7. Application to sell or otherwise transfer a Certificate.

a. If the application is for approval of a sale or other transfer of a certificate, a copy of the proposed sales or other transfer agreement must be filed with the application and must contain the entire agreement between parties, including (1) an accurate description of the operating rights and other property to be transferred, and (2) the purchase price agreed upon and all the terms and conditions with respect to the payment of the same.

b. The transferee must show that it is fit, willing, and able as per these regulations.

103-136. Repealed.

103-137. Repealed.

103-138. Restrictions, Limitations, and Terms.

1. Restrictions, limitations, and terms will not be attached to any Certificate unless they are reasonable.

2. The commission is not, and cannot be, bound by restrictions agreed to by the parties unless approved by the commission, and no agreement shall be approved which achieves results inconsistent with the public interest and inimical to practical and effective regulation.

103-139. Processing of Application by Applicant.

Without good cause shown, any application for a Certificate submitted but not processed in compliance with the commission's instructions by the applicant may be dismissed or rejected.

103-140. Request for Extension to Comply with Commission Order.

1. Applications for extensions shall include the current deadline, requested deadline and reason for extension.

2. Requests for extensions for up to one year to comply with the requirements of a Commission Order will be considered for good cause shown. If a motor carrier needs one year or more to comply with a Commission Order, the motor carrier shall be required to file a new application to ensure the completeness and up to date accuracy of the application.

#### 103-150. Beginning Operations Under a Certificate.

##### 1. Beginning Operations Under a Certificate.

a. **Registration, Insurance, and Tariffs Required.** An Order of the commission, approving an application for a Certificate, or the issuance of a Certificate does not within itself authorize a carrier to begin operations. Operations are unlawful until the carrier has complied with the law by:

1. Registering its motor vehicles with the ORS;
2. Providing proof of insurance, self-insurance as verified by the S.C. Department of Motor Vehicles or a surety bond with the ORS in the required amounts covering its rolling equipment for the protection of the public;
3. Filing tariffs and schedules of rates, fares, and charges to be made for the transportation service authorized with the commission and the ORS; and
4. Undergoing the required inspection of vehicles and facilities. (Household Goods and Hazardous Waste for Disposal.)

b. **Must Begin Operations Within 90 Days.** Unless a motor carrier complies with the foregoing requirements and begins operating as authorized within a period of ninety (90) days after the commission's order approving the application becomes final, and unless the time is extended in writing by the commission upon written request, the operating rights therein granted will cease.

c. Upon issuance of a Certificate, the ORS shall provide written notice to the commission stating that the carrier has complied with all provisions of the commission's order.

##### 2. Beginning Operations under a Charter Bus Certificate.

An order of the commission approving an application for a Charter Bus Certificate or the issuance of a Charter Bus Certificate does not within itself authorize a carrier to begin operations. Operations are unlawful until the carrier has complied with the law by:

- a. Providing evidence of an acceptable safety rating.
- b. Providing proof of insurance or a surety bond with the ORS in the required amounts covering its rolling equipment for the protection of the public.
3. **Vehicle Appearance, Serviceability, and Operation** - No person shall operate a motor vehicle unless such motor vehicle meets the following requirements and all owners shall maintain a motor vehicle in accordance with the following requirements:
  - a. All motor vehicle windows must be free of cracks and all in working order for the passenger to raise or lower as they wish.

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b. All motor vehicle drivers shall keep their vehicles free from disfiguring damage to the interior of the vehicle, including significant rust, seat tears or holes and falling or torn headliners.

c. All motor vehicle doors, lights, and safety equipment shall be maintained in good operating condition. All seatbelts shall be visible and available for use by passengers in both the front and rear seats for each and every fare.

d. All motor vehicles shall be equipped with doors which fasten in a manner so that they may be readily opened from the inside by a person.

e. All motor vehicle owners and drivers shall keep the interior and exterior of the motor vehicle in a clean and sanitary condition at all times.

f. All motor vehicle owners and drivers shall ensure that all vehicle systems are in safe working order prior to the commencement of work each day.

g. No motor vehicle driver or owner shall fasten or lock the doors of a motor vehicle so that it is impossible for a person to open them from the inside.

h. Each motor vehicle owner or driver shall search the interior of the motor vehicle at least once each day for articles left in the motor vehicle. The driver shall immediately take such property to the principal office of the certificate holder for safekeeping and proper disposition.

i. No motor vehicle driver shall operate a motor vehicle for more than twelve hours in any twenty-four hour period.

j. Any ORS representative or any officers, drivers, agents, representatives, and employees directly concerned with the inspection or maintenance of motor vehicles may take a motor vehicle "out of service" for defects or deficiencies detected.

### 103-151. Registration of Motor Vehicles.

1. Registration and License Fee Required. Before beginning operations as a motor carrier, all motor vehicles to be used in the operation must be registered with the ORS by completing the appropriate forms as provided by the ORS and by paying the appropriate license fees as set forth in Article III of the Motor Vehicle Carrier Law.

2. Adding Motor Vehicles to Operation. New or additional motor vehicles may be added to an operation at any time by appropriately registering the motor vehicle and paying the appropriate license fee.

3. Transferring Permit Cards and Decals. The permit card for a motor vehicle may be transferred to another motor vehicle upon presentation of the vehicle permit card to the ORS and payment of the additional permit fee, if any. No refund of fees will be made in transferring vehicle permit cards and decals. Transferring license permit cards and decals between vehicles without the prior approval of the commission is prohibited.

4. Motor Vehicles to Be Re-registered. All registered motor vehicles to be continued in service must be re-registered each year as follows:

Motor carriers transporting passengers must provide a list of and re-register the motor vehicles used in their operations and must pay the appropriate license fee, on or before January 1 of each year.

### 103-153. Marking or Identification of Vehicles.

1. Marking of Vehicles Required. No carrier regulated by the Public Service Commission shall operate any motor vehicle upon the highways in the transportation of property or passengers for compensation unless the name, or trade name, and PSC I.D. number appear on both sides of such vehicle in letters and figures not less than three (3) inches high.

SAMPLE: Stacey Doe DBA Doe's Transportation

SCPSC #1234.

2. Legible Placards or Printing May Be Used. The marking required may be printed on the vehicle or on legible placards securely fastened on both sides of the vehicle. In case of tractor-trailer units, the markings must appear on the tractor. Every vehicle used by a carrier in operation whether owned, rented, leased, or otherwise obtained must be marked or identified as provided herein.

3. Marked as Required by the STB. If the carrier is engaged in both interstate and intrastate commerce and is marked as required by the STB, then the carrier will be deemed to be in full compliance with this commission's requirements.

#### 103-154. License Decals and Vehicle Permit Cards.

All motor vehicles, including substitute or emergency vehicles operated under a Certificate, shall have maintained in such vehicles a permit, if issued by the ORS, and passenger vehicles shall have displayed on the front windshield of the power unit of such vehicles the license decals, if issued by the ORS upon proper registration of the vehicle.

#### 103-155. Transfer of Certificate Without Commission Approval Prohibited.

No certificate or rights thereunder shall be sold, assigned, leased, transferred, mortgaged, pledged, or hypothecated, by the sale of stock or otherwise, unless first authorized by the commission as provided in 103-135.

#### 103-157. Repealed.

#### 103-158. Issuance of Bills of Lading.

All holders of Certificates, upon receipt of freight, shall issue and deliver, or cause to be issued and delivered, to the shipper a bill of lading or other documentation approved by the commission. A combination bill of lading and freight or expense bill or invoice may be issued if it shows all of the information required in 103-159. All bills of lading shall comply with, be governed by, and have the consequences stated in the Uniform Commercial Code of South Carolina and any other applicable and effective provisions of the statutes. All carriers, shippers, consignees, and any lease operators involved in a shipment shall keep a copy of the bill of lading for a minimum of three years.

#### 103-159. Contents of Bills of Lading.

Each bill of lading, via paper or electronic means, shall show at a minimum the following information:

1. The name of issuing carrier;
2. The date the shipment was received by the carrier;
3. The name and address of the consignor/shipper;

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4. The points of origin and destination;
5. The name and address of the consignee/receiver;
6. Declaration of valuation (motor carriers of household goods);
7. The weight by certified public scale, volume, or measurement of the property tendered and received for transportation according to the lawfully applicable rates and charges shown separately by classification;
8. If it relates to a C.O.D. shipment, the amount of the C.O.D. and the name of the individual, corporation, or association who is actually to pay the C.O.D.;
9. Public Service Commission identification number;
10. Financial responsibility information as to insurance coverages;
11. The number of the bill of lading, as numbered consecutively in each motor carrier's own series at the time of printing;
12. Any accessorial or additional service charges in detail, giving size, and kind of equipment, the number of men and total hours of extra labor, and equipment services provided;
13. Rate per hundred weight or rate per hour, whichever is applicable (motor carriers of household goods);
14. Base liability amount of the carrier for its cargo; and
15. Signature of cosignor/shipper.

### 103-162. Bill of Lading to Accompany Shipment.

Each shipment by a freight carrier holding a Certificate must be accompanied by the bill of lading relating thereto or some other procedure authorized by the commission. If two or more trucks are used to transport a single shipment, a separate bill of lading or descriptive instrument must accompany the portion of the shipment contained in each of the trucks and each such bill of lading or descriptive instrument must show, with respect to that portion of the shipment which it accompanies, all information required by 103-159, and must refer specifically to the bill of lading which covers the entire shipment.

### 103-164. Suspension of Operations.

Any suspension of the operations authorized by a duly issued certificate for a period in excess of thirty (30) days may be approved by the commission upon written application of the motor carrier, filed in accordance with 103-830, et seq. Such application must state clearly and concisely the justification and time period for the proposed suspension of service.

### 103-173. Cargo Insurance or Surety Bond Required of Motor Carrier.

1. Terms of Insurance or Bond and Minimum Limits. Before any Class E Certificate can be issued and before any motor carrier operations can be conducted thereunder, the Class E motor carrier must procure a cargo insurance policy or cargo surety bond from an insurance company licensed or admitted to do business in this state and mail to the ORS evidence of such insurance or bond on forms prescribed by 23A S.C. Code Ann. Regs. 38-447, such policy or bond being conditioned upon such carrier making compensation to shippers or consignees for loss of or damage to all property belonging to shippers or consignees which comes into the possession of such carrier in connection with its transportation service within South Carolina, regardless of whether the policy

or bond specifically describes the motor vehicle or not. Within the limits of liability herein after set forth, it is further required that no condition, provision, stipulation, or limitation contained in the policy or bond or in any endorsement thereon or violation thereof shall affect in any way the right of any shipper or consignee, or relieve the insurance or bonding company from liability for the payment of any claim for which the insured may be held legally liable to compensate shippers or consignees, irrespective of the financial responsibility or lack thereof or insolvency or bankruptcy of the insured. Moreover, the liability of the insurance or bonding company extends to such losses or damages whether occurring on the route or in the territory authorized to be served by the insured or elsewhere in South Carolina. Furthermore, the liability of the insurance or bonding company for the following minimum limits shall be a continuing one notwithstanding any recovery hereunder:

|    |  |            |
|----|--|------------|
| a. | For loss of or damage to property carried on any one motor vehicle   | \$2,500.00 |
| b. | For loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place | \$5,000.00 |

2. Valuation. A Class E Carrier's intrastate valuation must meet the minimum requirements established by interstate rules issued by the STB. If a Class E Carrier chooses to offer valuation options higher than the STB's required minimums, the customer must be provided with terms, conditions, and pricing to the service being rendered.

#### 103-178. Proof of Insurance Required.

Certificates of insurance, self-insurance notices of cancellation, and surety bonds must be provided to the ORS.

#### 103-190. Tariffs Must be Filed Before Commencement of Operations.

1. No motor freight carrier who operates under a Certificate may operate or perform any service under its operating authority until rates, fares, charges, classifications, and rules for the services to be performed shall have been filed with the commission.

2. All tariffs for motor carriers of household goods will include charges and references to the following services (if appropriate for the particular move):

- a. Transportation Charges.
- b. Additional Services.
  - 1. Bulky Article Charges
  - 2. Elevator or Stair Carry
  - 3. Excessive Distance or Long Carry Charges
  - 4. Packing and Unpacking
  - 5. Labor Charges Regular and Overtime Charges
  - 6. Piano Charges
  - 7. Pick-Up and Delivery Extra
  - 8. Waiting Time



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### 9. Articles, Special Serving

#### c. Rules and Regulations.

1. Claims (to include time frames for settlement)
2. Value, Declaration of (see also Regulation 103-173)
3. Computing Charges
4. Governing Publications, if any
5. Storage-in-Transit
6. Bill of Lading, Contract Terms, and Conditions

3. Motor vehicle carriers need only file maximum rates with the Commission and provide a copy to the ORS.

103-191. Repealed.

103-192. Repealed.

103-193. Repealed.

103-194. Repealed.

103-195. Duties of Class E Household Good Movers As to Service and Regulations.

Every motor carrier of property operating under a Certificate shall provide safe and adequate service, equipment, and facilities for the transportation of property, and shall establish, observe, and enforce just and reasonable regulations and practices relating thereto and to the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, and all other matters relating to or connected with the transportation of property.

103-196. Maintenance of Copies of Tariffs.

Every motor carrier operating under a Certificate shall maintain at each of its principal places of business in the state and make available for inspection to the public at all reasonable times, all of its tariffs containing rates, charges, classifications, and rules or other provisions as filed with the commission.

103-197. Repealed.

103-198. Repealed.

103-199. Repealed.

103-199.5. Adjustment of Bills.

If it is found that a household goods motor carrier has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater compensation for any service rendered by such carrier than the maximum rate on file with the Commission of such carrier applicable thereto, then filed in the manner provided in Title 58 of the South Carolina Code of Laws; or if it is found that any customer has received or accepted any service from a carrier for a compensation greater than the maximum rate on file with

the Commission; or if, for any reason, billing error has resulted in a greater charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge shall be provided by the following:

1. Customer Inadvertently Overcharged. If the carrier has inadvertently overcharged a customer as a result of a misapplied schedule or any other human or machine error, the carrier shall at the customer's option credit or refund the excess amount paid by that customer or credit the amount billed.

2. Customer Willfully Overcharged. If the utility has willfully overcharged any customer, the carrier shall refund the difference, plus interest, as stated in the South Carolina Code of Laws Section 34-31-20(A) or such future Code of Laws of South Carolina governing the legal rate of interest of cases of accounts stated and in all cases where any sum or sums of money shall be ascertained and shall draw interest according to law.

3. Customers and Carriers shall have two (2) years from the date of the transaction in question in which to apply for an adjustment as provided in this Regulation. The basis for the charges shall be provided by the motor vehicle carrier to the customer in writing. If the motor vehicle carrier charges an amount less than the maximum rate, the binding quote must be provided in writing to the customer. A customer may file a complaint with the ORS or file a formal complaint with the Commission on the proposition that the motor vehicle carrier has charged more than agreed to by the customer and the motor vehicle carrier.

#### 103-210. Applications Must Specifically Set Forth Commodities Applied for.

Every applicant for a Certificate specifically shall set forth in its application each commodity which it proposes to transport. Upon an adequate showing by proper proof, the ORS after approval by the commission may issue a certificate authorizing motor carrier operations and identifying the commodities authorized to be hauled. These will be household goods, hazardous waste, or both.

1. Household Goods. This group includes personal effects and property used or to be used in a dwelling and similar property if the transportation of such effects or property is:

a. arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in a dwelling, or

b. arranged and paid for by another party.

2. Hazardous Wastes. Any waste or combinations of a solid, liquid, contained gaseous, or semisolid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics is defined by S.C. Code Ann. Section 44-56-20(6) or S.C. Code Ann. Regs. 61-79.261.3 as hazardous waste. Carriers of hazardous waste need only file maximum rates with the commission.

### SUBARTICLE 9

#### AGREEMENTS, LEASES AND CONTRACTS FOR EQUIPMENT BY HOLDERS OF CERTIFICATES

##### 103-220. Use of Leased Vehicles.

1. Agreement Must Meet Certain Conditions. Carriers may perform authorized transportation in or with motor vehicle power units which they do not own only under contract, lease, or other approved arrangement. Such contract, lease, or other approved arrangement must meet the following conditions:

a. Shall be made between the carrier and the owner of the power unit, provided however, that the same power unit must not be leased to more than one carrier at the same time;

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b. Shall be in writing and signed by the parties thereto or their regular employees or agents duly authorized to act for them in the execution of contracts, leases or other arrangements;

c. Shall specify the period for which it applies which shall be not less than 30 days;

d. Shall provide that the lessee has exclusive possession, control, and use of the power unit and bears the complete assumption of public responsibility (i.e., insurance) for the vehicle for the duration of said contract, lease, or other arrangement;

e. Shall specify the compensation to be paid by the lessee for the use of the power unit;

f. Shall specify the time and date or the circumstances on which the contract, lease, or other arrangement begins, and the time or the circumstances on which it ends;

g. Shall specify the power unit or units covered by the lease by designating the serial number, make, and year of model;

h. Copies of the lease agreement shall be filed as follows: the original shall be retained by the certificated carrier in whose service the power unit is to be operated, one copy may be retained by the owner of the power unit, one copy shall be carried on the power unit specified therein during the entire period of the contract, lease, or other arrangement, and one copy shall be filed with this Commission and provided to the ORS. If the lease, contract, or other arrangement pertains to more than one power unit, copies of such agreement may be maintained in the additional power units.

2. The commission and the ORS Must Be Notified When Agreement Ceases. The lessee shall notify the commission and ORS in writing within 48 hours when any lease is canceled, expired, or otherwise terminated.

3. Lessor Must Charge Rates and Use Bills of Lading of Lessee. In addition to meeting the criteria listed in 1. above, the lessor must charge the rate for transportation of household goods approved by the commission for the lessee. The lessor must also use the lessee's bills of lading. Total responsibility for the operation of the leased unit resides with the lessee.

4. Lease Is for Equipment Only. The provisions of Regulation 103-220 are for the lease of equipment only and shall not be construed as allowing a lease of authority from a certificated motor carrier.

### 103-223. Safety Inspection of Leased Equipment.

It shall be the duty of the carrier, before taking possession of any motor vehicle equipment, to inspect the same or to have the same inspected by a person who is competent and qualified to make such inspection and who has been duly authorized by such carrier to make such inspection as a representative of the carrier, in order to ensure that the said equipment complies with motor carrier safety regulations. The person making the inspection shall certify the results thereof in writing. If the inspection discloses that the equipment does not comply with the requirements of safety regulations, possession thereof shall not be taken. This written document shall be countersigned by someone in a supervisory capacity with the lessee indicating that the person performing the inspection was qualified to do so.

### 103-230. Accounting.

1. Method of Keeping Books. Each motor carrier operating under a Certificate shall keep its books on the basis of an accounting year of twelve months ending on the thirty-first day of December in each year.

2. Records Retention. All records shall be maintained for at least three years.

3. Manifest. Class C Taxi certificate holders are required to retain all manifests for a consecutive 12-month period.

103-231. Repealed.

103-232. Equipment Record.

Every motor carrier operating under a Certificate shall keep on file in its main office, subject to inspection by the commission, a complete description of each motor vehicle and trailer used during the accounting year, including motor vehicles substituted, rented, leased, or otherwise obtained.

103-233. Inspection of Vehicles, Books, Records, etc.

1. Carrier to Cooperate with Inspections. Auditors, accountants, inspectors, examiners, and other agents of the ORS, upon demand and display of proper credentials, shall be permitted by any carrier operating under a Certificate to examine and copy the books, records accounts, bills of lading, load sheets, manifest, correspondence, and other records of such carrier relating to the transportation of property or passengers and to examine the vehicles, terminals, buildings, and other equipment and facilities used by such carrier in such transportation business, and carriers operating under a Charter Bus Certificate shall permit any designated agent of the ORS to inspect records related to insurance coverages and/or safety, and all such carriers shall instruct their drivers, agents, and employees in charge of such records, equipment, and facilities to cooperate with such examination.

2. Information Not Be Divulged. No inspector or other agent of the ORS shall knowingly and willfully divulge any fact or information which may come to the person's knowledge during the course of any such examination for inspection, except to the commission or the ORS or as may be directed by the commission and ORS or by a court or judge thereof.

3. Refusal to Allow Inspection Is Violation. Refusal of any carrier or employee of any carrier or independent contractor operating a motor vehicle pursuant to the carriers certificated authority issued by the commission to provide information under this article upon demand is a violation of these rules and the Motor Vehicle Carrier Law and is punishable as provided by S.C. Code Section 58-23-80.

103-240. Grounds for Revocation of Certificate.

The commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the commission, the motor carrier holding a Certificate is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or said carrier no longer meets the fit, willing, and able criteria, or the motor carrier holding a charter bus certificate no longer meets the commission's insurance requirements or the safety requirements of the Department of Public Safety, or the continuance of said certificates are not in conformity with the spirit and purpose of the law, provided, however, that this rule shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an order granting operating rights without hearing where certain conditions exist.

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

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

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### Statement of Rationale:

Changes to Article 2, Motor Carriers Regulations are needed to make the Motor Carriers Regulations consistent with Act 214 of 2022; to reflect current state and federal laws, include gender neutral references; and to include motor carrier regulatory requirements.

Document No. 5267  
**PUBLIC SERVICE COMMISSION**  
CHAPTER 103

Statutory Authority: 1976 Code Sections 58-3-140, 58-9-720, and 58-9-810

103-612. Data to Be Filed with the Commission and Provided to the ORS.  
103-614. Interruption of Service.  
103-621. Customer Deposits.  
103-623. Adjustment of Bills.  
103-628. Complaints.  
103-631. Directories.  
103-652. Testing Facilities.  
103-663. Service Standards.  
103-680. Role of the Advisory Committee.  
103-681. Committee Name.  
103-682. Composition of the TRS Advisory Committee.  
103-683. Meetings.  
103-684. Commission Approval.  
103-690. Designation of Eligible Telecommunications Carriers.  
103-690.1. Annual Reporting Requirements for Designated Eligible Telecommunications Carriers.

### Synopsis:

The Public Service Commission of South Carolina Staff began conducting its formal review of all its regulations under S.C. Code Ann. Section 1-23-120(J) when it opened Docket No. 2020-247-A on Wednesday, October 14, 2020. The Commission Staff, after it opened Docket No. 2020-247-A, provided the opportunity for interested stakeholders to recommend changes to the Commission's Article 6, Telecommunications Utilities Regulations via written comments and oral comments at its publicly noticed workshops.

### Section-by-Section Discussion:

|          |         |   |
|----------|---------|---|
| 103-612. | Amended | Adding information to be included on the Authorized Utility Representative Form (e.g., email address, regulatory officer, annual report, dual party invoice, universal service fund, gross receipts, and Lifeline (ETCs only)), and punctuation |
| 103-614. | Amended | Amended to state that service outages lasting more than twenty-four hours shall be reported to the Commission and an electronic copy shall be provided to the Office of Regulatory Staff  |

|            |         |   |
|------------|---------|---|
| 103-621.3. | Amended | Amended to state interest on a deposit shall cease to draw interest on the date notice is sent to the customer's last known address, by bill insert, electronically, or by any other method of notice selected by the utility customer and maintained in the customer's records at the telephone utility                  |
| 103-623.1. | Amended | Amended to state the utility must pay interest according to S.C. Code Ann. Section 34-31-20(A) when the customer is willfully overcharged   |
| 103-628.   | Amended | Amended to include the phrase "the regulated" and to make a word plural   |
| 103-631.   | Amended | Amended to update telephone directories published by telephone utilities, including, but not limited to, provide a customer directory should be made available upon a customer's request and to delete the requirement that all telephone utilities must provide a copy of each directory to all the utilities' customers |
| 103-652.   | Amended | Amended to add the word "reasonably"  |
| 103-663.2. | Amended | Amended to include the symbol "<" and make the word "installation" plural   |
| 103-680.   | Deleted | Deleted due to the repeal of S.C. Code Ann. Section 58-9-2540   |
| 103-681.   | Deleted | Deleted due to the repeal of S.C. Code Ann. Section 58-9-2540   |
| 103-682.   | Deleted | Deleted due to the repeal of S.C. Code Ann. Section 58-9-2540   |
| 103-683.   | Deleted | Deleted due to the repeal of S.C. Code Ann. Section 58-9-2540   |
| 103-684.   | Deleted | Deleted due to the repeal of S.C. Code Ann. Section 58-9-2540   |
| 103-690.   | Amended | Amended to update and include citations to federal law and to delete reference and citation inconsistent with federal law   |
| 103-690.1. | Amended | Amended to delete references (equal access and Link Up) inconsistent with federal law; include reference to federal law   |

|  |  |  |
|--|--|--|
|  |  | (47 C.F.R. Part 54, Subpart E); require certain information be provided to the Commission and to the ORS; require the progress report on the service quality improvement plan be submitted at the level of designation; and require reports to contain a commitment by wireless applicants to comply with the current Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service; delete "June 30, 2008, and thereafter annually by" under "Filing Deadlines" and delete "copies of responses to the Lifeline Verification Survey or Certification filed with the Universal Service Administrative Company on August 31st of each year" under 103-690.1B(b)(10) |
|--|--|--|

The Notice of Drafting was published in the *State Register* on May 26, 2023.

**Instructions:**

Print the regulations as shown below, and all other items remain unchanged.

**Text:**

103-612. Data to Be Filed with the Commission and Provided to the ORS.

The telephone utility shall file the following documents and information:

1. Annual Report. Each telephone utility operating in the State shall file an annual report with the commission and provide a copy to the ORS, giving such information as the commission may direct.

2. Current Information and Documents. The information required under this Section shall be kept current at ALL TIMES.

2.1. Tariff. Unless otherwise provided by law, each telephone utility shall file for approval with the commission and serve on the ORS a tariff with respect to all regulated services offered by the utility.

A. Each telephone utility must provide the ORS a copy of its most recent tariffs.

B. The telephone utility's tariff shall include:

a. A copy of the telephone utility's rules, terms, or conditions, describing the telephone utility's policies and practices in rendering regulated services.

- b. A list of all types, grades, classifications and forms of regulated service offered.
- c. The non-recurring charges, recurring charges, and the termination charges, if any, that apply to the services.
- d. Definitions of all types, classes, grades, classifications, and forms of regulated service offered.

2.2. Operating Area Maps. The commission and the ORS shall maintain updated maps showing commission-approved areas and/or exchange service-area(s).

The maps, as outlined above, shall be revised whenever boundary changes are made and shall be signed by the proper officials and filed for approval with the commission.

2.3. Authorized Telephone Utility Representative. Each telephone utility shall maintain with the commission and furnish a copy to the ORS, the name, title, address, email address, and telephone number of the persons who should be contacted in connection with:

- a. General Management Duties;
- b. Customer Relations (Complaints);
- c. Engineering Operations;
- d. Test and Repairs;
- e. Emergencies during non-office hours;
- f. Regulatory Officer;
- g. Annual Report;
- h. Dual Party Invoice;
- i. Universal Service Fund;
- j. Gross Receipts; and
- k. Lifeline (ETCs only).

#### 103-614. Interruption of Service.

Each telephone utility shall keep a record of any condition resulting in any interruption of service affecting its entire system or major division of a telephone exchange, including a statement of the time, duration, cause of any such interruption, and steps taken to correct the interruption. Service outages impacting a significant portion of customers and outages or failures of major company infrastructure (such as cable facility, switching facility [main or remote] or carrier facility) lasting more than 24 hours shall be reported to the commission and a copy provided electronically to the ORS. The utility shall report any information required to be reported to the FCC regarding outages to the commission and provide a copy electronically to the ORS. This information should be submitted as soon as practicable, and a copy of any written report submitted to any Federal jurisdictional entity shall also be submitted to the commission and a copy provided to the ORS.

#### 103-621. Customer Deposits.



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A. Each telephone utility may require from any customer or from any prospective customer, a deposit intended to guarantee payment of bills for regulated service, if any of the following conditions exist:

1. The customer has had two 30-day arrearages in the past 24 months, or the customer has been sent two or more late payment notices in the past 9 months; or

2. A new customer cannot furnish either an acceptable co-signer or guarantor who is a customer of the utility within the State of South Carolina to guarantee payment; or

3. The customer's gross monthly billing increases; or

4. A customer has had his service terminated by any telephone utility for non-payment or fraudulent use; or

5. The utility determines, through use of commercially acceptable methods, that the customer's credit and financial condition so warrants.

B. Each telephone utility shall inform affected prospective customers of the provisions contained in R. 103-621-(A).

C. A utility is not required to install new service to a customer prior to the utility's receipt of any deposit that is required of that customer.

### 103-621.1. Deposit Receipt.

Each utility shall maintain records of each deposit it receives from a customer and shall provide means whereby a customer may establish a claim regarding his deposit.

### 103-621.2. Amount of Deposit.

A. For a new customer, a maximum deposit may be required up to an amount equal to an estimated two (2) months (60 days) total bill (including toll and taxes). For an existing customer, a maximum deposit may be required up to an amount equal to the total actual bills of the highest two (2) consecutive months within the preceding six (6) months.

B. All deposits may be subject to review based on the actual experience of the customer. The amount of the deposit may be adjusted upward or downward to reflect the actual billing experience and the payment habits of the customer.

### 103-621.3. Interest on Deposits.

A. Simple interest on deposits at the rate not less than that as prescribed by the commission shall be paid by the telephone utility to each customer required to make such deposit for the time it is held by the telephone utility.

B. The interest shall be accrued annually and payment of such interest shall be made to the customer at least every two (2) years and at the time the deposit is returned.

C. The deposit shall cease to draw interest on the date it is returned, the date service is terminated, or on the date notice is sent to the customer's last known address, by bill insert, electronically, or by any other method of notice selected by the utility customer and maintained in the customer's records at the telephone utility that the deposit is no longer required.

### 103-621.4. Deposit Records.

Each telephone utility shall keep records to show:

- a. The name and address of each depositor.
- b. The amount and date of the deposit.
- c. The last transaction concerning the deposits.
- d. The reasons why deposit retained after two year retention period. (See R. 103-621.5)

#### 103-621.5. Deposit Retention.

Deposits shall be refunded completely with interest after two years unless the customer has had two 30-day arrearages in the past 24 months, or has had service denied or interrupted for non-payment of bills, or has been sent more than two late payment notices in the past 9 months, or has a returned check in the past 6 months.

#### 103-621.6. Unclaimed Deposits.

A record of each unclaimed deposit must be maintained for at least two years, during which time the telephone utility shall make a reasonable effort to return the deposit. Unclaimed deposits, together with accrued interest, shall be treated in accordance with law.

#### 103-621.7. Deposit Credit.

Where a customer has been required to make a deposit, that deposit shall not relieve the customer of the obligation to pay the service bill when due, but where such deposit has been made and service has been disconnected because of nonpayment of account, then unless the customer shall, within seventy-two hours after service has been disconnected, apply for reconnection of service and pay the account, the account may be discontinued. If the telephone utility discontinues the account, the telephone utility shall apply the deposit of such customer toward the discharge of such account and shall refund to the customer any excess.

#### 103-623. Adjustment of Bills.

If it is found that a telephone utility has directly or indirectly, by any devise whatsoever, demanded, charged, collected or received from any customer a greater or lesser compensation for any service rendered or to be rendered by such telephone utility than that prescribed in the schedules of such telephone utility applicable thereto then filed in the manner provided in Title 58 of the South Carolina Code of Laws, or if it is found that any customer has received or accepted any service from a telephone utility for a compensation greater or lesser than prescribed in such schedules; or if, for any reason, billing error has resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be as provided by the following:

##### 103-623.1. Customer Willfully Overcharged.

If the telephone utility has willfully overcharged any customer, the telephone utility shall refund the difference, plus interest, as stated in the South Carolina Code of Laws Section 34-31-20(A) or such future Code of Laws of South Carolina governing the legal rate of interest of cases of accounts stated and in all cases where any sum or sums of money shall be ascertained and shall draw interest according to law for the period of time that can be determined that the customer was overcharged.

##### 103-623.2. Customer Inadvertently Overcharged.

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If the telephone utility has inadvertently overcharged a customer as a result of a misapplied schedule or any other human or machine error, the telephone utility shall, for any amount of one dollar (\$1.00) or more (amounts less than \$1.00 will be credited to account) at the customer's option, credit, or refund the excess amount paid by that customer or credit the amount billed as provided by the following:

a. If the interval during which the customer was overcharged can be determined, then the telephone utility shall credit or refund the excess amount charged during the interval, provided that the applicable statute of limitations shall not be exceeded.

b. If the interval during which the customer was overcharged cannot be determined, then the telephone utility shall credit or refund the excess amount charged during the 12-month period preceding the date when the error was discovered.

c. If the exact amount of the overcharge incurred by the customer during the billing periods subject to adjustment cannot be determined, then the credit or refund shall be based on an appropriate estimated amount of excess payment.

### 103-623.3. Customer Undercharged Due to Willfully Misleading Company.

If the telephone utility has undercharged any customer as a result of a fraudulent or willfully misleading action of that customer, or any action by any person (other than the employees or agents of the telephone utility), such as tampering with the facilities, when it is evident that such tampering or bypassing occurred during the residency of that customer, or if it is evident that a customer has knowledge of being undercharged without notifying the telephone utility as such, then the telephone utility shall recover the deficient amount provided as follows:

a. If the interval during which the customer was undercharged can be determined, then the telephone utility shall collect the deficient amount incurred during the entire interval, provided the applicable statute of limitations is not exceeded.

b. If the interval during which the customer was undercharged cannot be determined, then the telephone utility shall collect the deficient amount incurred during the 12-month period preceding the date when the billing error was discovered by the telephone utility.

### 103-623.4. Customer Undercharged Due to Human or Machine Error.

If the telephone utility has undercharged any customer as a result of a misapplied schedule, or any human or machine error then the telephone utility may recover the deficient amount as follows:

a. If the interval during which a customer was undercharged can be determined, then the telephone utility may collect the deficient amount incurred during the entire interval up to a maximum period of six months.

b. If the interval during which a customer was undercharged cannot be determined, then the telephone utility may collect the deficient amount incurred during the six month period preceding the date when the billing error was discovered by the telephone utility.

c. The customer shall be allowed to pay the deficient amount, in equal installments added to the regular monthly bills devoid of late charges, over the same number of billing periods which occurred during the interval the customer was subject to pay the deficient amount.

### 103-628. Complaints.

A. Complaints concerning the charges, practices, facilities, or service of the telephone utility shall be investigated promptly and thoroughly by the telephone utility. The telephone utility shall keep such records of customer complaints as will enable it to review and analyze its procedures and actions.

B. The telephone utility, except in cases of high toll usage, and when given at least four hours notice shall not terminate service to a complainant until an answer to the complaint is conveyed to the ORS. A written or oral response is allowable for complaints that the telephone utility wishes to dispose of immediately. The use of an oral response does not preclude supplying the ORS with a written response to written complaints.

C. The ORS shall promptly and thoroughly investigate complaints concerning the regulated charges, practices, facilities, or services of the utility. Each utility shall respond to the complaint conveyed to the utility by the ORS in a timely and thorough manner. This time period shall not exceed ten (10) days from the day the complaint is received by the utility, except that the ORS may give the company additional time to respond upon request and for good cause shown.

#### 103-631. Directory Information.

Each utility is responsible for having the name, address, and telephone numbers of all of its customers listed in a telephone directory or electronic database , except public telephone and telephone service unlisted at customer's request. A customer directory must be made available upon a customer's request.

A. The telephone utility shall list its customers with at least one provider of directory assistance services or with its own directory assistance operators to provide the requested telephone numbers based on the customer's name and address when such requests are made by communication users, except public telephones and telephone service unlisted at customer's request.

B. At least one directory assistance provider used by the utility or the utility's own directory assistance operators shall have access to records of all telephone numbers in the area for which they are responsible for furnishing directory assistance service except telephone numbers not published at customer's request.

C. Each telephone utility shall make every effort to list its customers with at least one directory assistance provider used by the utility or the utility's own directory assistance operators as necessary for the directory assistance operators to provide the requested telephone numbers based on customer names and service locations, and to provide updated information to the directory assistance provider as reasonably necessary to minimize "not found" numbers .

D. In the event of an error or omission in the name or number listing of a customer, such customer's correct name and telephone number shall be corrected in the files of the directory assistance provider used by the utility, or the utility's own directory assistance operators within a reasonable amount of time.

#### 103-652. Testing Facilities.

A. Each telephone utility shall, unless specifically excused by the commission, provide such instruments and other equipment and facilities as may be necessary to make the tests required of it by these rules or other orders of the commission or as reasonably requested by the ORS. The apparatus and equipment so provided shall be available at all times for inspection by any member or authorized representative of the ORS.

B. Each telephone utility shall make such tests as are prescribed under these rules with such frequency and in such manner and at such places as is herewith provided, as reasonably requested by the ORS, or as may be approved or ordered by the commission.

#### 103-663. Service Standards.

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### 103-663.1. Availability of Service.

Orders for new service, where all tariff requirements have been met, shall be completed within the interval shown below after receipt of the application, excepting those where a later date is requested by the customer or where special equipment or service is involved:

#### A. Service Orders for Installations and Re-installations:

85% within 5 working days

#### B. Commitments fulfilled: 85%

Commitments shall be made for a specific day.

### 103-663.2. Equipment Requirements.

A. The central office and interoffice trunk equipment shall be maintained so as to meet the following standards during an average business day (8:00 AM to 5:00 PM):

Failure rate on intraoffice calls— <1.5%

Failure rate on interoffice calls— <3%

The failure rate for interoffice calls applies to EAS and multioffice trunking calls but not to toll calls.

B. The central office and interoffice trunk standards are the objectives to be used by the ORS staff when testing. The telephone utilities are not required to perform tests or maintain records of these items.

### 103-663.3. Subscriber Loop-Transmission Objectives.

The following standards are objectives to be used by the ORS staff during testing at the subscriber's station protector. Acceptable measurements are:

DC Line Current: greater than 20 mA

Circuit Loss: less than 8.5 db

Circuit Noise: less than 20 dBnC

Power Influence: less than 90 dBnC

Balance greater than 60 dB

(Where Balance (dB) = Power Influence - Circuit Noise)

### 103-663.4. Dialtone.

Central office equipment shall be maintained so as to meet the following standards:

98% of all calls shall receive dialtone within three (3) seconds.

### 103-663.5. Answering Time.

Each telephone utility shall provide adequate personnel and equipment so as to meet the following service objectives under normal operating conditions:

- a. Toll and operator assistance calls answered within 10 seconds (does not include directory assistance calls): 90%
- b. Calls to repair service answered within 20 seconds: 90%
- c. Directory assistance answered within 30 seconds: 80%

103-663.6. Customer Trouble Reports.

A. Service by each telephone utility shall be such that the number of customer trouble reports per 100 total access lines in service per month shall not exceed the following:

| EXCHANGE/REPORTING GROUP |           |
|--------------------------|-----------|
| SIZE                     | OBJECTIVE |
| OVER 7,500 ACCESS LINES  | 5.0       |
| UNDER 7,500 ACCESS LINES | 7.0       |

Unusual situations caused by storms, unavoidable casualties or other conditions causing an excess number of reports should be explained in the trouble report.

B. A customer trouble report is any oral or written notice received by the telephone utility (other than problems detected by the telephone utility's internal diagnostics) indicating difficulty or dissatisfaction with the performance, physical condition, location or appearance of the utility's regulated telephone plant or equipment.

103-663.7. Customer Out of Service Trouble Clearing Time.

Provisions shall be made to normally clear all out of service troubles within twenty-four hours of the reported time to the telephone utility, excluding weekends and holidays, unless the customer agrees to another arrangement. The out of service trouble clearing time objectives for telephone utilities is 85% within 24 hours.

103-680. Repealed.

103-681. Repealed.

103-682. Repealed.

103-683. Repealed.

103-684. Repealed.

103-690. Designation of Eligible Telecommunications Carriers.

(Statutory Authority: 1976 Code Section 58-3-140)

A. Purpose.

1. This regulation defines the requirements for designation as an Eligible Telecommunications Carrier ("ETC") for the purpose of receiving federal universal service support, not state universal service support, pursuant to 47 U.S.C. Section 214(e) of the Federal Telecommunications Act of 1996.

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2. This regulation will ensure that the commission will only grant a particular application if doing so will further the goals and purposes of the federal high-cost universal service fund and the universal service fund provisions of Section 254 of the Telecommunications Act of 1996; specifically, that consumers in all regions of South Carolina, including those in rural, insular and high-cost areas will have access to telecommunications services comparable to those in urban areas of the state.

3. Notwithstanding the ETC applicant's regulatory status or the commission's jurisdiction over the applicant's regular operations, in seeking designation as an ETC, the applicant acknowledges the commission's authority and jurisdiction to impose such regulations on ETCs, including the applicant, as are in the public interest.

### B. Definitions.

1. **Cell Site.** A geographic location where antennae and electronic communications equipment are placed to create a cell in a cellular network for the use of mobile phones. A cell site is composed of a tower or other elevated structure for mounting antennae, and one or more sets of transmitter/receivers, transceivers, digital signal processors, control electronics, and backup electrical power sources and sheltering.

2. **Commission.** The word commission in this regulation means the Public Service Commission of South Carolina.

3. **Eligible Telecommunications Carrier (ETC).** An ETC is a carrier as defined in 47 U.S.C. Section 214(e).

4. **Lifeline Service.** Lifeline Service is a service as defined in 47 C.F.R. Section 54.401.

5. **ORS.** The abbreviation ORS in this regulation means the Office of Regulatory Staff.

6. **Wire Center.** A geographic location of one or more local switching systems; a location where customer loops converge. References to the evaluation of service within a wire center, for purposes of this regulation, shall mean an evaluation of the quality of the services provided in that part of the licensees' service area served by a cell site in the event the applicant is a wireless service provider.

### C. Requirements for initial designation as an Eligible Telecommunications Carrier.

1. The commission may upon its own motion or upon request, designate a common carrier that meets the requirements in this section, and the public interest standard set forth in subsection (3) of this section, as an ETC for a designated service area. ETCs shall offer services in compliance with 47 C.F.R. Section 54.101. Upon request and consistent with the public interest, convenience and necessity, the commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an ETC for a service area designated by the commission. Before designating an additional ETC for an area served by a rural telephone company, the commission shall find that the designation is in the public interest. On or after the effective date of this rule, in order to be designated an eligible telecommunications carrier under 47 U.S.C. Section 214(e)(2) of the Federal Telecommunications Act of 1996, any common carrier in its application filed with the commission and a copy provided to the ORS must provide the information and certifications set forth in 47 C.F.R. §§54.201 and 54.202. In addition, the carrier must commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service. Each applicant shall certify that it will (1) provide service on a timely basis to requesting customers within the applicant's service area where the applicant's network already passes the potential customer's premises; and (2) provides service within a reasonable period of time, if the potential customer is within the applicant's licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by (a) modifying or replacing the requesting customer's equipment; (b) deploying a roof-mounted antenna or other equipment; (c) adjusting the nearest cell tower; (d) adjusting network or customer facilities; (e) reselling services from another carrier's facilities to provide service; or (f) employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.

2. Carriers seeking ETC designation solely for the purpose of participation in the Lifeline program and not seeking High Cost Support, shall provide to the commission and ORS the information and certifications set forth in 47 C.F.R. §§54.201 and 54.202 related to Lifeline-only ETCs. Such carriers shall also submit a plan that describes the carrier's advertising and outreach programs for identifying, qualifying, and enrolling eligible participants in the Lifeline program.

3. Public Interest Standard. Prior to designating an eligible telecommunications carrier pursuant to 47 U.S.C. Section 214(e)(2), the commission must determine that such designation is in the public interest. In doing so, the commission shall consider, inter alia, the benefits of increased consumer choice, and the unique advantages and disadvantages of the applicant's service offering. In instances where an eligible telecommunications carrier applicant seeks designation below the study area level of a rural telephone company, the commission shall also conduct a creamskimming analysis that includes, but is not limited to, comparing the population density of each wire center in which the eligible telecommunications carrier applicant seeks designation against that of the wire centers in the study area in which the eligible telecommunications carrier applicant does not seek designation. The commission shall not designate a service area to an ETC that is smaller than an entire wire center.

#### 103-690.1. Annual Reporting Requirements for Designated Eligible Telecommunications Carriers.

##### A. Purpose.

The purpose of this regulation is to specify the annual reporting requirements for designated Eligible Telecommunications Carriers (ETCs).

##### B. Annual Reporting Requirements for ETCs Designated after January 1, 2007.

This section shall apply to all eligible telecommunications carriers who are designated after January 1, 2007.

(a) Filing Deadlines. For ETCs who are designated after January 1, 2007, in order for the common carrier designated under 47 U.S.C. Section 214(e)(2) to continue to receive support for the following calendar year, or retain its eligible telecommunications carrier designation, it must file with the commission and provide a copy to the ORS the annual reporting information in paragraph (b) no later than June 30th of each year. The information provided should cover the previous twelve (12) month period ending December 31st. The ORS shall review each ETC annual report and notify the commission on or before August 20th annually in writing as to the ORS's opinion as to whether the carrier is in compliance with federal and state regulations and rules. The commission, after holding a hearing, if it deems a hearing is necessary, shall determine based upon the information provided to it whether the carrier is in compliance with federal and state regulations and rules and shall notify the Federal Communications Commission and the Universal Service Administrative Company of each company's compliance by October 1st of the reporting year thereby ensuring that each ETC designated by the commission is authorized to receive federal support for the upcoming fiscal year.

Reports must also contain a commitment by wireless applicants to comply with the current Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service, or a commitment by other ETCs that they meet the service quality standards outlined in Section 103-663. For the purpose of this regulation, access lines and handsets shall be used interchangeably.

(b) A common carrier designated under 47 U.S.C. Section 214(e)(2) as an eligible telecommunications carrier after January 1, 2007 shall provide to the Commission and to the ORS:

(1) a progress report on its service quality improvement plan, including maps detailing its progress toward meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve signal quality, coverage, or capacity, and an explanation regarding any network



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improvement targets that have not been fulfilled. The information shall be submitted at the level of designation. Additionally, an updated forward-looking two-year plan shall be filed annually;

(2) detailed information on any outage, as defined in 47 C.F.R. Section 4.5, of at least 30 minutes in duration for each service area in which an eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect (a) at least ten percent of the end users served in a designated service area; or (b) a 911 special facility, as defined in 47 C.F.R. Section 4.5(e). Specifically, the eligible telecommunications carrier's annual report must include information detailing: (a) the date and time of onset of the outage; (b) a brief description of the outage and its resolution; (c) the particular services affected; (d) the geographic areas affected by the outage; (e) steps taken to prevent a similar situation in the future; and (f) the number of customers affected;

(3) the number of requests for service from potential customers within the eligible telecommunications carrier's service areas that were unfulfilled during the past year. The carrier shall also detail how it attempted to provide service to those potential customers;

(4) the number of complaints or trouble reports per 1000 handsets or access lines;

(5) certification that it is complying with applicable service quality standards and consumer protection rules, as designated by the commission;

(6) a detailed report and certification that the carrier is able to function in emergency situations;

(7) for non-incumbent local exchange carriers certification that the carrier is offering a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas;

(8) the number of Lifeline customers that received assistance as of December 31st of the prior year; and

(9) For ETCs not eligible for High Cost Fund support, but participating in the Lifeline program, subsections (1) and (2) shall be waived. All other requirements shall remain in force, except that the requirements of (6) may be met by reference to an underlying carrier's continuing certification as for leased facilities.

### C. Annual Reporting Requirements for ETCs Designated Prior to January 1, 2007.

To the extent required by 47 C.F.R. 54.313 and 47 C.F.R. 54.314, ETCs who were designated prior to January 1, 2007, must certify to the commission that all federal high-cost support provided to such carriers within South Carolina in the succeeding calendar year will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. This certification must be filed with the commission on or before August 1st annually.

### D. Newly Designated Eligible Telecommunications Carriers.

(a) Once a carrier is designated as eligible to receive support, the commission shall file the certification with the Federal Communications Commission and the Universal Service Administrative Company within 60 days of that effective date of its designation as an eligible telecommunications carrier.

(b) Thereafter, the ETC must submit the data required in paragraph B by August 1st of each year to the commission and the commission shall file the certification with the Federal Communications Commission and the Universal Service Administrative Company by October 1st.

### E. ETC Requirements for Lifeline Services.

(a) ETCs shall offer Lifeline service in the designated service area to all qualifying low-income consumers in accordance with the federal lifeline service guidelines as set forth in 47 C.F.R. Part 54, Subpart E.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

Changes to Article 6 Telecommunications Utilities Regulations are needed to increase efficiency and transparency; to conform the Regulations to state law; and to include references to appropriate state and federal laws.

Document No. 5275  
**PUBLIC SERVICE COMMISSION**  
 CHAPTER 103  
 Statutory Authority: 1976 Code Section 58-3-140

103-833. Written Interrogatories and Request for Production of Documents and Things.

**Synopsis:**

The Public Service Commission proposes to amend Regulation 103-833. Written Interrogatories and Request for Production of Documents and Things that is contained within Chapter 103, Article 8, Practice and Procedure. Specifically, the Public Service Commission proposes the amended Regulation 103-833(A) read, “Any material relevant to the subject matter involved in the pending proceeding may be discovered unless the material is privileged or is hearing preparation working papers or attorney work product prepared for the pending proceeding or in anticipation of litigation.” This proposal broadens the scope of materials that are not subject to discovery in Regulation 103-833(A) with the inclusion of hearing preparation working papers or attorney work product prepared for the pending proceeding or in anticipation of litigation.

Section-by-Section Discussion:

| Section | Type of Change     | Purpose   |
|---------|--------------------|---|
| 103-833 | Amendment/Revision | Amended to conform Regulation 103-833(A) to the South Carolina Rules of Civil Procedure Rule 26 and to include the phrase “hearing preparation working papers or attorney work product” with the new language including the words “working papers or” |

The Notice of Drafting was published in the *State Register* on May 24, 2024.

**Instructions:**

Print the regulation as shown below, and all other items remain unchanged.

**Text:**

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### 103-833. Written Interrogatories and Request for Production of Documents and Things.

A. Any material relevant to the subject matter involved in the pending proceeding may be discovered unless the material is privileged or is hearing preparation working papers or attorney work product prepared for the pending proceeding or in anticipation of litigation.

B. Unless under special circumstances and for good cause shown, written interrogatories shall not be served less than 10 days prior to the date assigned for commencement of hearing. Any party of record may serve upon other parties or parties of record written interrogatories to be answered by the party served. If the party served is a public or private corporation, partnership, limited liability company, association, or governmental agency, any officer or agent who possesses the desired information may respond to the interrogatories. Copies of interrogatories served shall also be filed with the Chief Clerk. Each interrogatory shall be answered separately and fully in writing, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the individual making them and subscribed by an appropriate verification. Objections are to be signed by the authorized representative or individual making them. The person upon whom the interrogatories have been served shall serve a copy of the answers and objections within the time period designated by the party of record submitting the interrogatories, but not less than 20 days after the service thereof, unless the time is extended or shortened by the Commission for good cause shown.

C. Unless under special circumstances and for good cause shown, requests for production of documents and things shall not be served less than 10 days prior to the date assigned for commencement of hearing. Any party of record may serve upon other parties or parties of record requests for production of documents and things to be answered by the party served. If the party served is a public or private corporation, partnership, limited liability company, association, or governmental agency, any officer or agent who possesses the desired information may respond to the requests for production of documents and things. Copies of requests for production of documents and things served shall also be filed with the Chief Clerk. Each request for production of documents and things shall be answered separately and fully in writing, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the individual making them and subscribed by an appropriate verification. Objections are to be signed by the authorized representative or individual making them. The person upon whom the requests for production of documents and things have been served shall serve a copy of the answers and objections within the time period designated by the party of record submitting the requests for production of documents and things, but not less than 20 days after the service thereof, unless the time is extended or shortened by the Commission for good cause shown.

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

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

#### **Statement of Rationale:**

The Commission, the regulated community, and external stakeholders will benefit from the proposed change to Regulation 103-833 by amending the Regulation to more closely align with Rule 26 (General Provisions Governing Discovery) South Carolina Rules of Civil Procedure.

Document No. 5296  
**DEPARTMENT OF SOCIAL SERVICES**  
 CHAPTER 114  
 Statutory Authority: 1976 Code Section 63-7-2320

114-551. Kinship Foster Family Home and Kinship Adoptive Home Standards. (New)

**Synopsis:**

On September 28, 2023, the United States Department of Health and Human Services, Administration on Children and Families, issued a final rule amending 45 CFR Section 1355.20 to allow agencies to claim Title IV-E federal financial participation for the cost of foster care maintenance payments on behalf of an otherwise eligible child who is placed in a licensed or approved kinship foster family home using licensing standards for kinship foster family homes that differ from the standards used for non-relative foster family homes. The South Carolina Department of Social Services proposes to add Regulation 114-551 to establish discrete, less burdensome standards for the licensure of kinship foster family and kinship adoptive homes.

Section-by-Section Discussion:

114-551. Kinship Foster Family Home and Kinship Adoptive Home Standards.

New Text.

1. Subsection (A) provides a general policy statement and describes the persons and entities to whom Regulation 114-551 applies.
2. Subsection (B) sets forth a nondiscrimination statement as it relates to the administration of public service programs.
3. Subsection (C) defines key terms found in Regulation 114-551.
4. Subsection (D) outlines the process to apply for kinship foster parent and kinship adoptive parent licensure.
5. Subsection (E) provides a general explanation of when a license will be issued and outlines conditions associated with licensure, for example, the effect of a license and the duration of a license.
6. Subsection (F) explains procedures for issuance of a provisional license and for making an emergency placement with kin.
7. Subsection (G) outlines criminal and child protective services background check procedures.
8. Subsection (H) outlines the department's caregiver suitability assessment which the department conducts to promote placement with kin who can meet all physical, emotional, medical, and educational needs of a child placed in the home.
9. Subsection (I) explains the department's safety and needs assessment designed to evaluate the safety of the kin's living space.
10. Subsection (J) provides a right to a fair hearing in accordance with the department's fair hearing regulations.
11. Subsection (K) to provide a delayed effective date.

The Notice of Drafting was published in the *State Register* on April 26, 2024.

**Instructions**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

114-551. Kinship Foster Family Home and Kinship Adoptive Home Standards.

A. Policy and Application.

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(1) When applying the standards outlined in these regulations, the department prioritizes assessment of child and family strengths and needs, and aids in meeting identified needs and overcoming barriers to licensure to the extent reasonably possible.

(2) Regulation 114-551 applies to decisions related to licensing kin, kinship foster family homes, and kinship adoptive homes. In accordance with S.C. Code Section 63-7-910(D), private agencies that license homes to receive children who are the legal custody of the department shall apply and enforce these regulations in the same manner as the department and in accordance with state and federal law. Kin, kinship foster family, and kinship adoptive homes licensed in accordance with these regulations receive the same benefits and services provided to unrelated licensed foster and adoptive parents and homes, including financial support and other supportive services.

### B. Nondiscrimination Statement.

In accordance with the Federal Multiethnic Placement Act (MEPA), the Department of Social Services must not deny to any individual the opportunity to become a foster or adoptive parent based on the race, color, or national origin of the individual, or of the child. MEPA also provides that this law shall not be construed to adversely affect the application of the Indian Child Welfare Act, which contains preferences for the placement of eligible American Indian and Alaska Native Children in foster care, guardianship, or adoptive homes. Further, the department must not discriminate regarding the application or licensure of a kinship foster family or kinship adoptive family on the basis of age, disability, religion, sexual orientation, gender identity, or marital status.

### C. Definitions.

When used in these regulations and unless specific context indicates otherwise:

(1) “Court” means the family court.

(2) “Department” means the South Carolina Department of Social Services.

(3) “FBI” means Federal Bureau of Investigation.

(4) “Kinship foster family home” means the private home of an individual or family that is licensed by the department and in which a child in foster care has been placed in the care of an individual; who resides with the child; who has been licensed by the department to be a foster parent that the department deems capable of adhering to the reasonable and prudent parent standard defined in S.C. Code Section 63-7-20; that provides 24-hour substitute care for children placed away from their parents or other caretakers; and that provides care for children subject to capacity limitations set forth in S.C. Code Section 63-7-2400.

(5) “Household member” means any kin or nonrelative age 18 or older who regularly lives, shares common areas, and sleeps in the home. An individual who is living, sharing common areas, and sleeping in the home temporarily for more than 2 consecutive weeks is considered a household member.

(6) “Kin” means an individual who is related by blood, marriage, tribal custom, and/or adoption. The term also includes fictive kin, meaning other individuals who have an emotionally significant relationship with the child, child’s parents, or extended family members.

(7) “Kinship foster care” means 24-hour substitute care for a child who is in the legal custody of the department in the home of kin away from the child’s parents or guardians.

(8) “Kinship adoptive parent” means kin who is seeking or who has adoptive placement of a child in foster care.

(9) “Kinship adoptive placement” means by signed written agreement between kin and the department, a child has been placed in the home of licensed kin for the purpose of adoption.

(10) “Kinship foster parent” means kin who is seeking licensure to provide or who is licensed to provide placement, care, and supervision for a child in foster care.

(11) “Legal custody” means the right to the physical custody, care, and control of a child; the right to determine where the child shall live, the right and duty to provide protection, food, clothing, shelter, ordinary medical care, education, supervision, and discipline for a child and in an emergency to authorize surgery or other extraordinary care. The court may in its order place other rights and duties with the legal custodian. Unless otherwise provided by court order, the parent or guardian retains the right to make decisions of substantial legal significance affecting the child, including consent to marriage, enlistment in the armed forces, and major nonemergency medical and surgical treatment, the obligation to provide financial support or other funds for the care of the child, and other residual rights or obligations as may be provided by order of the court.

(12) “License or licensed” means in accordance with these regulations, the department has approved, verified, or certified, the individual and the foster family or adoptive home to receive a child who is in the legal custody of the department for placement, care, and supervision. Such persons receive the benefits of licensure, including financial assistance and other supportive services.

(13) “Provisional license” or “provisionally licensed” means in accordance with these regulations, under extenuating or emergent circumstances, the department has temporarily approved, verified, or certified the individual and the foster family home to receive a child who is in the legal custody of the department for placement, care, and supervision. Such persons receive the benefits of licensure, including financial assistance and other supportive services.

(14) “SLED” means State Law Enforcement Division.

#### D. Applications.

(1) Kin shall complete an application in a format provided by the department. The completion of the application initiates the licensing process. Kin who are licensed to provide foster care need not complete another application to be licensed as a kinship adoptive parent, but must indicate their desire to become a kinship adoptive parent in writing in a format provided by the department.

(2) In addition to the application process stated above to initiate the licensing process, the licensing process may also be initiated when the department receives a court order approving placement with kin as being in a child’s best interest. Upon receiving the court order approving placement, the department may license kin who otherwise meet the standards outlined in these regulations.

(3) The department shall make a decision regarding licensure within 90 days of the date the department receives a completed application or a court order approving placement. This period may be extended by the State Director or the State Director’s designee, upon a showing of good cause.

(4) The department may request and consider additional information as necessary during the licensing process and to promote a kinship foster parent or kinship adoptive parent meeting the needs of the child. Additionally, case-by-case, the department may waive any licensing standard that is not a safety element.

#### E. Licenses.

(1) The department shall issue a license when all requirements found in these regulations are met.

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(2) A license is not transferrable as to the kin or the kinship foster or kinship adoptive home.

(3) Licensure by more than one agency, organization, or division, is prohibited.

(4) Once issued, a license to provide kinship foster care remains in effect and need not be renewed. However, criminal background, sex offender registry, and child protective services background checks must be updated as set forth in subparagraph (G).

(5) Once issued, a license to provide kinship adoptive placement remains in effect and need not be renewed. However, criminal background, sex offender registry, and child protective services background checks must be updated as set forth in Subparagraph (G). Other investigations, assessments, reports, and updates necessary to finalize adoption shall be governed by the South Carolina Adoption Act.

(6) A license shall not be issued or maintained if licensing requirements are not met, or standards of care have not been maintained as prescribed within these regulations, or if in the opinion of the department, it would be detrimental to place a child in the home.

### F. Provisional Licensure and Emergency Placement.

(1) The department may issue a provisional license for kinship foster care and place a minor child in the home of a kinship foster parent on an emergency basis if all the following conditions are met:

(a) The kinship foster parent is 18 years of age or older;

(b) The child is in the legal custody of the department;

(c) The kinship foster parent and other adult household members attest in writing on a form provided by the department that the kinship foster parent and adult household members have no criminal history or history of child abuse or neglect, the desire to become a licensed kinship foster parent, and the kinship foster parent and adult household members consent to records checks as stated in this subparagraph.

(d) As soon as possible, the department shall confirm the information supplied in the statement referenced above by checking the South Carolina Central Registry of Child Abuse and Neglect, other relevant department records, county sex offender registries, and records for the preceding 5 years of law enforcement agencies in the jurisdiction in which the kin or other person currently resides and, to the extent reasonably possible, other jurisdictions in which the kin resided during that period. The department must not agree to or acquiesce in a placement if the statements or records reveal information indicating there is a significant risk that the child would be threatened with abuse or neglect in the home of the kin.

(e) A preliminary visual inspection to assess the safety of the home has yielded no safety concerns.

(f) A preliminary assessment of the kinship foster parent reveals that the kinship foster parent is capable of meeting the needs of the child.

(g) For provisional licensure and emergency placements of American Indian and Alaska Native children, the department should work closely with tribal and urban Indian organizations that have expertise in recruiting and licensing tribal foster family homes.

(h) A provisional license remains in effect for no more than 90 days, unless the State Director or the State Director's designee determines there is good cause to extend the period.

(2) During the period of provisional licensure, a provisionally licensed kinship foster parent

shall receive the same benefits and services received by a licensed kinship foster parent, including financial support and other supportive services.

G. Background Checks.

(1) Kin applying for licensure to become a kinship foster or kinship adoptive home and household members must undergo a state fingerprint-based background check to be conducted by SLED to determine any state criminal history and a fingerprint-based background check to be conducted by the FBI to determine any other criminal history. No child may be placed in a kinship foster family or kinship adoptive home with kin or any household member who:

- (a) Has pled guilty or nolo contendere to or has been convicted of:
  - (i) An ‘Offense against the Person’ as provided for in Chapter 3, Title 16;
  - (ii) An ‘Offense against Morality or Decency’ as provided for in Chapter 15, Title 16;
  - (iii) Contributing to the delinquency of a minor as provided for in Section 16-17-490;
  - (iv) The common law offense of assault and battery of a high and aggravated nature when the victim was a person seventeen years of age or younger;
  - (v) Criminal domestic violence as defined in Section 16-25-20;
  - (vi) Criminal domestic violence of a high and aggravated nature as defined in Section 16-25-65;
  - (vii) A felony drug-related offense under the laws of this State;
  - (viii) Unlawful conduct toward a child as provided for in Section 63-5-70;
  - (ix) Cruelty to children as provided for in Section 63-5-80;
  - (x) Child endangerment as provided for in Section 56-5-2947; or
  - (xi) Criminal sexual conduct with a minor in the first degree as provided for in Section 16-3-655(A).
- (b) Kin and household members who have been convicted of a criminal offense similar in nature to a crime enumerated in subparagraph (G)(1)(a), when the crime was committed in another jurisdiction or under federal law, are subject to the restrictions set out in this section.
- (c) This section does not exclude kin or any household member when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in subparagraph (G)(1)(a) has been pardoned. However, notwithstanding the entry of a pardon, the department or other entity making placement or licensing decisions may consider all information available, including the person’s pardoned convictions or pleas and the circumstances surrounding them, to determine whether the person is unfit or otherwise unsuited to provide kinship foster care or kinship adoptive placement.
- (d) The department shall check the National Sex Offender Registry and the State Sex Offender registry for kinship foster parents, kinship adoptive parents, all household members, and children 12 and older who regularly live, share common areas, and sleep in the home. No child may be placed in the kinship foster family or kinship adoptive home if the names of kin or an adult household member appear on a sex offender registry.



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(e) Notwithstanding placement prohibitions based upon criminal background described in subparagraph (G), in the discretion of the department when it is in a child's best interest, a child may be placed in the foster family or adoptive home of kin who have been convicted of or plead guilty or nolo contendere to a criminal offense found in subparagraph (G)(1)(a) that would otherwise exclude the kin as a foster or adoptive home placement, if more than 5 years have elapsed since the conviction, guilty plea, or nolo contendere plea and the criminal offense was not a violent crime defined in Section 16-1-60 or a felony involving violence including, but not limited to child abuse and neglect, domestic violence, or any crime against a child.

(2) Prior to licensure, kinship foster parents, kinship adoptive parents, and any household members must undergo a check of the State Central Registry of Child Abuse and Neglect, department records, and the equivalent registry system check for each state in which the person has resided in the previous five years. No child may be placed in the kinship foster home or adoptive home of a person or household member who has a substantiated history of child abuse or neglect.

(3) After initial licensure, on an annual basis, kinship foster parents, kinship adoptive parents, and household members shall undergo a background check conducted by SLED, a check of the State Central Registry of Child Abuse and Neglect and department records, and the equivalent registry system check for each state in which the person has resided in the previous 5 years to confirm persons still meet the requirements of subparagraph (G). On an annual basis, kinship foster parents, kinship adoptive parents, household members, and children 12 years of age and older who regularly live, share common areas, and sleep in the home must also undergo a check of the National Sex Offender Registry and a check of the State Sex Offender Registry to confirm persons continue to meet the requirements of subparagraph (G). Kinship foster parents, kinship adoptive parents, and household members need not undergo an annual background check conducted by SLED if SLED has otherwise provided current information to the department concerning arrests, convictions, dispositions, warrants, and other information in accordance with authority granted in S.C. Code Section 63-7-2340.

(4) After initial licensure, a fingerprint review conducted by the FBI shall be repeated every 5 years for kinship foster parents, kinship adoptive parents, and household members to confirm these persons continue to meet the requirements of subparagraph (G). Kinship foster parents, kinship adoptive parents, and household members need not repeat FBI fingerprint-based background checks if the FBI has otherwise provided current information to the department concerning arrests, convictions, dispositions, warrants, and other information in accordance with authority granted in S.C. Code Section 63-7-2340.

### H. Caregiver Suitability Assessment.

(1) The department must assess the ability of the kinship foster parent or kinship adoptive parent to meet all physical, emotional, medical, and educational needs of the child over time.

#### (2) General Eligibility Standards:

(a) Kinship foster parents and kinship adoptive parents must be at least 18 years of age.

(b) Kinship foster parents and kinship adoptive parents must present verification of identity by an acceptable method, including, but not limited to, a driver's license, United States passport, state-issued identification card, school issued identification card, health benefits identification card, voter registration card, wage stub, or birth certificate.

(c) Kinship foster parents and adoptive parents must have adequate resources to maintain the household, for example, earned or unearned income, non-monetary assistance, or benefits.

(d) Kinship foster parents and kinship adoptive parents must be in reasonably good health and capable of providing developmentally appropriate care for the child for whom placement is sought. The primary caregiver must be able to perform or perform with assistance all activities of daily living, for example, preparing

meals, housekeeping, shopping for groceries, and providing age and developmentally appropriate care for the child being placed in the home. Kinship foster parents and kinship adoptive parents shall disclose physical and mental health and substance use concerns and treatment. The department may require assessment or evaluation, third-party verification of conditions and treatment, or other information necessary to alleviate identified health concerns.

(e) There is a rebuttable presumption that prospective kinship foster parents who are married and kinship adoptive parents who are married shall apply for licensure with the spouse; however, this presumption may be rebutted by a plausible explanation suggesting it is in the child's best interests to proceed with licensure of one person.

#### I. Safety and Needs Assessment.

(1) The department must assess and evaluate the safety of the living space of a prospective kinship foster parent or kinship adoptive parent to identify the need for concrete goods or safety-related modifications.

(2) The prospective kinship foster parent or kinship adoptive parent must be able to provide an adequate number of safe sleep spaces for the child being placed, to include:

(a) Adequate sleep spaces and bedding;

(b) For a child under 12 months, sleep space accommodations for an infant with appropriately sized bedding, free of blankets and other items like pillows and stuffed animals. Bedding options include, but are not limited to, a bassinet, crib, pack and play, Native American baby board, or baby box;

(c) For children over 12 months, based on age and development, options include, but are not limited to, a bed, bunk bed, sleeper sofa, futon, air mattress, or temporarily, a couch. Toddlers (ages 1-3) may continue to sleep in a crib or pack and play;

(d) The department advises against utilization of top bunks for children under the age of 6;

(e) Consideration must be given to a child's preferences and privacy needs, including use of a locked room to change clothes, curtains, and room dividers;

(f) Bed or room sharing must take into consideration cultural or community standards, needs of the child and family, as well as support necessary to heal from trauma;

(g) It is permissible to utilize rooms, other than bedrooms, as sleeping spaces; however, any room occupied by a child must have a window that is large enough for egress, permanently affixed walls, and flooring that is acceptable as living space;

(h) Children must sleep within calling distance of kin. No child may sleep in a detached building, unfinished basement or unfinished attic; and

(i) For infants 0-12 months, the department shall provide safe sleep guidelines to kinship foster parents and kinship adoptive parents.

(3) Kinship foster parents and kinship adoptive parents must have a reliable plan for transportation to meet the needs of the child and required safety seats to meet the needs of the child.

(4) The home must have at least one unobstructed entrance and exit on each floor of living space, including unblocked doors, large enough for each child to enter and exit, and exit outside.

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(5) The home and grounds must be free of observable health, sanitation, safety, and fire hazards. Existent health, sanitation, safety, and fire hazards, for example, overflowing garbage, uncontained pet waste, mold, peeling lead paint, excessive debris, exposed wires or electrical outlets, flammable materials within 3 feet of a fire source like a space heater or wood stove, and multiple connected extension cords must be resolved.

(6) Tools and hazardous materials, like power or yard tools, cleaning supplies, pesticides, gasoline, alcohol, prescription and over-the-counter medications, and tobacco, must be stored out of reach of children in accordance with the age, development, and other needs of the child.

(7) The home must have kitchen facilities for the preparation of meals and food storage, or the kinship foster parent or kinship adoptive parent must have other means of providing meals and storing food.

(8) The home must have safe drinking and bathing water. Indoor plumbing is not required; however, children placed in the home must have access to a toileting space.

(9) Heating and cooling methods must be appropriate to the climate, including, but not limited to, ceiling and floor fans, portable and window air conditioning units, use of open doors or windows to create cross-ventilation, kerosene and propane heaters, space heaters, and wood burning stoves. Lighting must be appropriate to the needs of the kinship foster parent or kinship adoptive parent and the child.

(10) The home must be free of insect and rodent infestation.

(11) Outdoor spaces that a child will access must be safe in accordance with the child's age and development.

(12) Kinship foster parents and kinship adoptive parents shall provide supervision appropriate to the child's age and development when the child has access to any outdoor body of water.

(13) The kinship foster parent or kinship adoptive parent must comply with the following standards concerning weapons:

(a) Store weapons, including firearms, air guns, BB guns, hunting slingshots, and any other projectile in an inoperative condition in a locked area inaccessible to children;

(b) Store all ammunition, arrows, or projectiles for weapons in a locked space separate from the weapons;

(c) Kinship foster parents and kinship adoptive parents who are also law enforcement officials and can document that their employer, organization, or agency requires law enforcement officials to have ready and immediate access to their weapons may be exempt from these weapons requirements or the weapons requirements may be modified, provided the kinship foster parent or kinship adoptive parent follows a plan for the safe handling and storage of the weapon.

(14) The kinship foster parent or kinship adoptive parent must have a plan for emergency preparedness, including:

(a) Access to a working phone or a way in which to call for help, for example, cell phones, Wi-Fi calling, or shortwave radios;

(b) The home must have properly functioning smoke detectors on each floor;

(c) If the home has gas appliances, the home must have a carbon monoxide detector;

- (d) The home must have at least one readily accessible, operable fire extinguisher;

**J. Licensing Decisions and Fair Hearings.**

(1) The department shall explain to kin any assessment and recommendations made pursuant to these regulations. If at any time the department is not recommending licensure, the department must give kin the opportunity to withdraw the application. If the kin does not withdraw the application, the department shall provide a written explanation of its decision and advise the kin of any right to appeal in accordance with the department's fair hearing regulations.

(2) If the matter is not otherwise being brought before the court for disposition, kin may appeal adverse decisions related to licensure in accordance with the department's fair hearing regulations.

**K. Delayed Effect.**

This regulation takes effect upon receipt of kinship foster program funding.

**Fiscal Impact Statement:**

The Department of Social Services estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulation will be approximately \$3,884,984.

**Statement of Rationale:**

Regulation 114-551 is added to provide discrete, less burdensome standards for the licensure of kinship foster family and adoptive homes.

Document No. 5303

**DEPARTMENT OF SOCIAL SERVICES**

**CHAPTER 114**

Statutory Authority: 1976 Code Sections 43-1-80 and 63-9-360

114-4370. Certification of Adoption Investigators and Persons Obtaining Consents or Relinquishments.

**Synopsis:**

The Department of Social Services is responsible for establishing and promulgating rules and regulations for the certification requirements and process for an adoption investigator. The proposed amendments will ensure that prospective investigators have the necessary educational and work experience to further the Department's mission to promote safety, permanency, stability, and well-being of children who need foster care and adoptive placements.

**Section-by-Section Discussion:**

**Regulation 114-4370**

1. Amended reference to statutory authority for promulgating the regulation
2. (A)(1), Amended definition of "person"
3. (A)(3), Updated a statutory cross reference
4. (A)(6), Updated a statutory cross reference
5. (B)(1) (a), (b), (c), (d), and (e) Amended to clarify certification requirements applicable to certain applicants and to re-letter items

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6. (B)(2)(a), (b), (c), (d), and (e) Added subsection to further clarify certification requirements applicable to certain applicants
7. (B)(3)(c), Amended to clarify certification requirements related to professional and personal references
8. (B)(4)(a) and (b), Amended to clarify continuing education requirements
9. (C), Amended to rename the section
10. (C)(1)(a), (b), and (c), Amended to clarify the application, documentation, and fees required for initial certification
11. (D)(4) (a), (b), (c), and (d), Added to clarify documentation department employees must submit for recertification
12. (E)(1)(a), (b), and (c), Amended to reflect changes in fees associated with certification and recertification
13. (E)(2), Amended to give the department discretion to waive fees
14. (F)(1), Amended to clarify the procedure to file complaints
15. (F)(3)(e), Amended to enhance clarity
16. (G)(2), Amended to correct a Code of Regulations cross reference

The Notice of Drafting was published in the *State Register* on June 28, 2024.

### Instructions:

Print the regulations as shown below. All other items remain unchanged.

### Text:

(Statutory Authority: 1976 Code Sections 43-1-80, 63-9-360)

114-4370. Certification of Adoption Investigators and Persons Obtaining Consents or Relinquishments.

#### A. Definitions

(1) Person - an individual, self-employed or employed by an agency.

(2) Department - the South Carolina Department of Social Services.

(3) Child placing agency or agency -the State Department of Social Services and any person or entity as defined in Section 63-9-30.

(4) Consent - the informed and voluntary release in writing of all parental rights with respect to a child by a parent for the purpose of adoption, or the informed and voluntary release in writing of all custodial or guardianship rights, or both, with respect to a child by the child placing agency or person facilitating the placement of the child for adoption where the child's parent previously has executed a relinquishment to that agency or person.

(5) Relinquishment - the informed and voluntary release in writing of all parental rights with respect to a child by a parent to a child placing agency or to a person who facilitates the placement of a child for the purpose of adoption and to whom the parent has given the right to consent to the adoption of the child.

(6) Investigation and reports - Pursuant to section 63-9-520, before the final hearing for adoption of a child, investigations and reports must be completed in accordance with the following:

(a) Before the placement of any child by any agency or by any person with a prospective adoptive parent, a preplacement investigation, a background investigation and reports of these investigations must be completed;

(b) A postplacement investigation and report of this investigation must be completed after the filing of the adoption petition.

(7) Court - any Family Court in this state.

#### B. Certification Requirements

(1) Persons completing preplacement and postplacement investigations, and reports of these investigations on behalf of and at the direction of the Department or a child placing agency must meet the following requirements:

(a) Hold a Bachelor's, Master's, or Doctoral degree in a human service related field from an accredited college or university; or

(b) Have a two-year degree and be supervised by a person within the Department or child placing agency who is a certified adoption investigator who holds a Bachelor's, Master's, or Doctoral degree in a human service related field from an accredited college or university; and

(c) Have two years' experience conducting adoptive home studies or investigations or similar family/child oriented reports for a court, school, or social/health agencies or until such time as the person meets the home study or report writing experience requirements described in this paragraph and acquires a Bachelor's, Master's, or Doctoral degree in a human service related field, be supervised by a person within the Department or agency who is a certified adoption investigator who holds a Bachelor's, Master's, or Doctoral degree in a human service related field from an accredited college or university; and

(d) Be of good reputation in the community as attested to by two (2) professional references and one (1) personal reference which may be verified by the Department. References must state how long they have known an applicant and in what capacity.

(e) Continuing education that addresses health, safety, and well-being of children or as approved by the Department is required as follows:

i. At the time of application for certification, the individual will document that twenty-five hours of training related to children and family that addresses health, safety, well-being, and education or as approved by the Department was completed within three years immediately prior to application.

ii. Documentation of continuing professional development of a minimum of ten hours of training related to children and family that addresses health, safety, well-being, and education or as approved by the Department per year is required for recertification.

(2) To be certified to complete preplacement and postplacement investigations, and reports of these investigations as an individual under contract with the Department, persons must meet the following requirements:

(a) Hold a Bachelor's, Master's, or Doctoral degree in a human service related field from an accredited college or university;

(b) Have two years' experience conducting adoptive home studies or investigations or similar family/child oriented reports for a court, school, or social/health agencies;

(c) Provide a writing sample demonstrating family/child oriented report writing aptitude; and

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(d) Be of good reputation in the community as attested to by two (2) professional references and one (1) personal reference which may be verified by the Department. References must state how long they have known an applicant and in what capacity.

(e) Continuing education that addresses health, safety, and well-being of children or as approved by the Department is required as follows:

i. At the time of application for certification, the individual will document that twenty-five hours of training related to children and family that addresses health, safety, well-being, and education or as approved by the Department was completed within three years immediately prior to application.

ii. Documentation of continuing professional development of a minimum of ten hours of training related to children and family that addresses health, safety, well-being, and education or as approved by the Department per year is required for recertification.

(3) Persons certified to obtain Consents and Relinquishments must meet the following requirements:

(a) Hold a Bachelor's, Master's, or Doctoral degree from an accredited college or university;

(b) Have two years' experience counseling with parents about relinquishing their rights and placing their children for adoption; or be currently employed by the Department of Social Services or a licensed child placing agency or by a professional association and be supervised by a person within that agency or association who is certified to accept relinquishments and consents for the purpose of adoption;

(c) Be of good reputation in the community as attested to by two (2) professional references and one (1) personal reference which may be verified by the Department. References must state how long they have known an applicant and in what capacity.

(4) Continuing education that addresses health, safety, and well-being of children or as approved by the Department is required as follows:

(a) At the time of application for certification, the individual will document that twenty-five hours of training related to children and family that addresses health, safety, well-being, and education or as approved by the Department was completed within three years immediately prior to application.

(b) Documentation of continuing professional development of a minimum of ten hours of training related to children and family that addresses health, safety, well-being, and education or as approved by the Department per year is required for recertification.

### C. Initial Certification Process

(1) Individuals will submit the completed application and all required documents and fees to the Department of Social Services-State Office Adoptions Division as follows:

(a) South Carolina Law Enforcement Division Criminal History Results within one year of the application. This does not apply to those who are employed by the Department of Social Services and who are in good standing;

(b) A check of the South Carolina Central Registry of Child Abuse and Neglect. This does not apply to those who are employed by the Department of Social Services and who are in good standing; and

(c) Training Certificates.

(2) Incomplete applications will not be accepted.

(3) Additional information that would clarify an item may be requested in writing, by telephone, or in a personal interview and must be returned within 10 working days of the request.

(4) When a determination has been made that the applicant meets the requirements for certification, a certificate will be issued, and the applicant's name and fee schedule will be placed in the directory of certified persons.

(5) All applications and supporting documentation shall be considered public information.

#### D. Expiration and Renewal of Certificate

(1) Certificates issued under these regulations will expire one year from the date of issuance.

(2) Application for recertification must be received thirty days prior to the expiration date of the current certificate.

(3) Upon determination that the applicant continues to meet the requirements, a new certificate will be issued.

(4) Applicants who are not employed by the Department must submit the following required documents and required fees at the time of the submission of the recertification application.

(a) A completed application;

(b) South Carolina Law Enforcement Division Criminal History Results within one year prior to application. This does not apply to those who are employed by the Department of Social Services and who are in good standing;

(c) A check of the South Carolina Central Registry of Child Abuse and Neglect. This does not apply to those employed by the Department of Social Services and who are in good standing; and

(d) Training Certificates for training received within one year prior to the application certification date.

#### E. Fees for Certification/Recertification

(1) The following fees are to be paid to the South Carolina Department of Social Services and are not refundable:

(a) The fee for certification as an adoption investigator is \$20.00;

(b) The fee for certification as a person obtaining consents or relinquishments is \$20.00;

(c) The fee for certification in both categories simultaneously is \$35.00;

(2) The Department of Social Services may waive any required fees if the individual or child placing agency are completing the preplacement and postplacement reports or conducting Consents and Relinquishments solely for the use by the Department of Social Services.

#### F. Denial or Revocation of a Certificate



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(1) Complaints about the performance or conduct of a Certified Investigator may be addressed to the State Office Adoptions, South Carolina Department of Social Services, P.O. Box 1520 Columbia, South Carolina 29202-1520.

(2) The Department has the authority to thoroughly investigate any complaints about the performance or conduct of a Certified Investigator.

(3) The decision to deny or revoke a Certificate is made by the Department. The Certificate is the property of the Department and must be returned within ten (10) working days after revocation. Any of the following actions by a Certified Investigator or person to obtain Consents or Relinquishments may be grounds for denial or revocation of a Certificate:

(a) An act or omission violating the South Carolina Child Protection Act, or any other act or omission in violation of Section (H) Code of Ethics, or any other act or omission which would threaten the health, safety or well-being of clients;

(b) A violation of the provisions of the South Carolina Adoption Act or its regulations;

(c) Fraudulent information given during the application or recertification process;

(d) Material misrepresentation to clients during the course of business;

(e) Conviction of, forfeiture of bond, a plea of nolo contendere, or a guilty plea to a felony or any other crime involving moral turpitude. However, the Department, in its discretion, may except this ground if the individual submits written documentation of the completion of a rehabilitation program and the effects of the rehabilitation efforts on the individual's behavior. An evaluation by the involved counselor, therapist, or other appropriate professional must be submitted to the Department.

### G. Appeal of Denial of Application or Revocation of Certificate

(1) If an individual is denied a new or renewal certificate or if a certificate is revoked, the individual will be sent a certified letter containing the following information:

(a) The Department's decision;

(b) The basis of that decision;

(c) The right to appeal the decision;

(d) The procedure for such an appeal.

(2) The Investigator will have thirty (30) days to appeal the decision in accordance with Department Fair Hearing Regulations, South Carolina Code of Regulations 114-100, *et. seq.*

### H. Code of Ethics

(1) Any act that is in violation of the spirit and purpose as well as the letter of the Code of Ethics shall be unethical practice.

(2) The Certified Investigator should maintain high standards of conduct in the capacity of Certified Investigator.

(3) Whenever conflict between the interests of the child, who is the primary subject of adoption, and adults is involved, the best interests of the child shall govern decisions.

(4) It is the responsibility of the certified person to protect the rights of vulnerable birth parents who are making decisions regarding their children regardless of the source of payment for services rendered. This principle must be clearly stated and understood in arrangements for payment for services rendered.

(5) When setting fees, certified persons should ensure they are fair, reasonable, and commensurate with the service performed and with due regard for the clients' ability to pay.

(6) Certified persons will perform duties and tasks in the time specified and never delay the adoption of a child without good cause.

(7) Reports presented to the court will be complete and truthful.

(8) Information in reports will be available upon request to the subject of the report.

(9) All completed reports will be submitted to the court regardless of the recommendations.

(10) All recommendations will be discussed with the applicant in advance of presentation to the court.

(11) Before accepting a consent or relinquishment the certified person will ascertain the mental and physical condition of the birth parent and not accept their signature if their condition does not warrant.

(12) The certified person must fully advise the birth parent of rights and responsibilities before accepting signatures and will not accept signatures unless fully satisfied that the consequences are fully understood by the birth parent.

(13) Consultation from other professionals must be sought when the certified person is unsure of a course of action in any particular instance.

(14) The certified person must maintain the confidentiality of the adoption process and protect the privacy of all parties.

(15) The certified person must not discriminate on the basis of race, religion, gender, or handicap in professional relationships with clients or colleagues.

(16) Persons employed by sectarian sponsored organizations may limit their practice to persons eligible for service from that organization.

#### **I. Severability**

If any provision of these Regulations or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of these Rules and Regulations which can be given effect without the invalid provision of application, and to this end the provisions of these Rules and Regulations are severable.

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

The Department of Social Services estimates there will be no additional costs incurred by the State and its political subdivisions due to the promulgation of the proposed regulations.

#### **Statement of Rationale:**

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The Department of Social Services is proposing to amend Regulation 114-4370 to ensure that prospective investigators have the necessary educational and work experience to further the Department's mission to promote safety, permanency, stability, and well-being of children who need foster care and adoptive placements.

Document No. 5308

### DEPARTMENT OF SOCIAL SERVICES

#### CHAPTER 114

Statutory Authority: 1976 Code Section 63-11-30

114-4910. Child Placing Agencies; Definitions and Application Procedures.

114-4920. Administration and Organization of Child Placing Agencies.

114-4930. Requirements for Licenses and Types of Licenses.

114-4940. Relicensing Procedures.

114-4950. Confidentiality Requirements.

114-4960. Personnel Requirements.

114-4970. Child Placing Agency Records.

114-4980. Procedures and Practices of Child Placing Agencies.

#### Synopsis:

As the administrator of the State's foster care system, the Department of Social Services is responsible for establishing and promulgating rules and regulations for the licensure of agencies engaged in the business of receiving children for care and maintenance related to foster care and adoption. The regulations governing licensing standards for child placing agencies (South Carolina Code of Regulations 114-4910, 4920, 4930, 4940, 4950, 4960, 4970, and 4980) are being amended to make updates necessary to meet the current needs of the State's foster care and adoption systems.

#### Section-by-Section Discussion:

##### 1. 114-4910

- (A), Defines key terms
- (B), Clarifies license application procedures
- (C), Clarifies license application procedures

##### 2. 114-4920

- (A), Provides standards for organizational administration
- (B), Provides standards for organizational governance
- (C), Provides standards for organizational charts
- (D), Provides standards for fee schedules
- (E), Establishes monitoring standards

##### 3. 114-4930

- (A), Explains application procedures
- (B), Describes the types of licenses issued by the Department
- (C), Establishes standards for the display of licenses
- (D), Establishes standards for compliance
- (E), States conditions for issuing a standard license
- (F), Establishes standards for issuing a temporary license
- (G), Provides standards for denial and revocation of a license

- (H), Describes administrative appeal process
- (I), Describes procedures for license amendments

4. 114-4940

- (A), Outlines license renewal processes
- (B), Outlines license application processes
- (C), Outlines contents of license application

5. 114-4950

- (A), Establishes confidentiality standards
- (B), Establishes information sharing standards

6. 114-4960

- (A), Outlines personnel policy standards
- (B), Outlines staff qualifications and functions
- (C), Establishes staffing requirements
- (D), Outlines training and professional development requirements
- (E), Describes volunteer standards
- (F), Establishes standards for certified investigators

7. 114-4970

- (A), Outlines standards for child record keeping
- (B), Outlines standards for birth family record keeping
- (C), Outlines standards for foster home record keeping
- (D), Establishes standards for adoption record keeping

8. 114-4980

- (A), Sets standards for foster family home licensing
- (B), Outlines standards for the monitoring of foster family homes
- (C), Describes procedures for license amendments
- (D), Outlines foster family home selection standards
- (E), Outlines case planning requirements
- (F), Outlines case plan monitoring requirements
- (G), Establishes general adoption services requirements
- (H), Sets forth general standards for services to families
- (I), Sets forth general standards for services to unmarried parents
- (J), Establishes requirements for adoption preservation services
- (K), Outlines requirements for pre and post adoption support of out-of-state foster children

The Notice of Drafting was published in the *State Register* on June 28, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

ARTICLE 49

CHILD PLACING AGENCIES REGULATIONS

(Statutory Authority: 1976 Code Section 63-11-30)

114-4910. Child Placing Agencies; Definitions and Application Procedures.

A. Definitions

As used in this article unless the context requires otherwise:

(1) “Adoptive home” means a household of one or more persons which has been approved by a child placing agency licensed to provide adoption services or by the Department to accept a child for the purpose of adoption.

(2) “Adoptive parent” means a person who is seeking or has adoptive placement of a child.

(3) “Adoption preservation services” means services provided to help meet the individualized therapeutic or support needs of families, preserve the family unit, enhance stability, prevent dissolution of adoption, and elevate overall family well-being.

(4) “Agency” means a child placing agency.

(5) “Assessment study or home study” means documentation of the assessment of the applicant in a narrative format, completed by a certified investigator, or other person approved by the department.

(6) “Case plan” means a written document that is developed by the Department or Agency, in cooperation with the family, based upon an assessment of the circumstances which required child welfare intervention, and that identifies goals to be achieved and the specific services to be provided. The child’s case plan is the portion of the plan that identifies a child’s specific needs and services and includes the permanency and visitation plan.

(7) “Caseworker” means a person employed by the Agency or Department who has a minimum of a Baccalaureate or an Associate degree and related human services experience.

(8) “Casework Supervisor” means a person who has a Baccalaureate in a related human services field approved by the Agency or Department with a minimum of two years of directly related child welfare experience.

(9) “Certified adoption investigator” means an individual, self-employed or employed by an agency, corporation, or association who prepares a document addressing issues of concern and information necessary for a court to make a decision in adoption matters and is certified pursuant to applicable statutes and regulations.

(10) “Child” means a person under eighteen years of age or under twenty-one years of age if the person meets requirements of Title 63, Chapter 7, Article 8.

(11) “Child placing agency” means any person or entity who holds legal or physical custody of a child for the purpose of placement of children for adoption. A person or entity who offers services for compensation where the intent of those services is to arrange or secure adoptions must be considered “facilitating the placement of children for adoption,” whether those services constitute counseling, referrals, searches, or any other form of adoption services. However, an attorney engaged in the practice of law who represents a client in an adoption or who otherwise facilitates an adoption in the course of that practice is exempt from this definition. A child placing agency is also any person or entity engaged in the business of certifying foster family homes for licensure in accordance with the Department’s standards and receiving such children for care and maintenance.

(12) “Client” means the person to whom a child placing agency is providing services. This includes, but is not limited to children, foster parents, biological parents, and adoptive parents.

(13) “Commissioner or director” means the chief administrator of the Department of Social Services.

(14) “Department” means the Department of Social Services.

(15) “Foster Family home” means a private home of an individual or family that is licensed by the Department or in accordance with the Department’s standards and in which a child in foster care has been placed in the care of an individual; who resides with the child; who has been licensed to be a foster parent that the Department deems capable of adhering to the reasonable and prudent parent standard defined in Section 63-7-20(24); that provides 24-hour substitute care for children placed away from their parents or other caretakers; and that provides care for children subject to capacity limitations set forth in Section 63-7-2400. This term includes kin, fictive kin, relative, and child-specific homes.

(16) “Foster home licensing/relicensing study” means an assessment of whether the applicant or licensee meets foster home regulations.

(17) “Foster parent” means an individual who is licensed by the Department or an Agency to provide foster family care for children.

(18) “Person” means an individual, partnership, joint stock company, business trust, voluntary association, corporation, governmental organization, court operated program or any other type of organization or profit or nonprofit business enterprise.

(19) “Post placement services” means to provide support, education, and assistance to the family from the time of adoptive placement through consummation.

(20) “Substitute care” means twenty-four (24) hour care provided to a child who must be separated from his/her own family/parents for a specific purpose and for a planned period of time. This could take the form of a foster family home, group home, childcare facility, emergency shelter, residential treatment program, independent living program, wilderness camp or maternity home.

(21) “Therapeutic foster care” means a treatment focused form of foster care provided in a foster family home by trained caregivers for children and adolescents with serious emotional, behavioral, or medical needs that can be met with community based supportive services.

#### **B. Application Procedures for Licensure**

(1) Applications for licensure as a child placing agency shall be made on forms prescribed and furnished by the Department.

(2) All applications and supporting documentation shall be considered public information, with the exception of personal identifying information or other private information on Agency personnel.

(3) An application is not considered complete unless all required supporting documentation is attached. Failure to supply all required documentation may result in denial of a license.

**C. Procedure for Licensure.** With the initial application for a license, the following information shall be forwarded to the Department:

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(1) Statement of Purpose: The child placing agency shall submit to the Department a written statement which shall contain a description of the geographical area to be served and the specific services to be provided. The statement shall be available to the referral sources and the public on request.

(2) A copy of its charter, if applicable.

(3) Governance.

(a) A copy of the bylaws and/or statute by which the agency was created;

(b) A list of officers and Board or Advisory Committee members and their addresses.

(4) Personnel.

(a) A list of job descriptions of administrative and program staff shall be submitted to the Department;

(b) A list of Certified Adoption Investigators who will be utilized or employed by the child placing agency shall be submitted to the Department;

(c) A copy of resumes for program staff.

(5) A copy of the proposed/current procedural manuals shall be submitted to outline policies including, but not limited to, the following areas:

(a) Finance;

(b) Personnel;

(c) Intake and content of records for planning and caring for children;

(d) Placement, and postplacement services to children, foster families, adoptive families and biological parents, if applicable;

(e) Recruitment for both foster and/or adoptive homes;

(f) Assessment study formats as approved by the Department;

(g) Qualification criteria for foster and/or adoptive families;

(h) Procedures for closing cases;

(i) Schedule of payment for services for those Agencies offering adoption services;

(j) Copies of all forms used by the child placing agency in the foster care and adoption process i.e., application, financial forms, medicals, renewal, etc.

(k) Statement of clients' rights.

(6) Background checks in accordance with Section 63-11-70.

114-4920. Administration and Organization of Child Placing Agencies.

### A. Administration

(1) The child placing agency shall meet the following requirements:

- (a) Have an office and staff located within the state, or within a twenty five (25) mile radius, and
- (b) Shall be incorporated in South Carolina, or shall be lawfully doing business in this state in accordance with all applicable statutes and regulations.

(2) When the corporate offices of a child placing agency are located out of state:

- (a) There shall be a local advisory board composed of residents of South Carolina;
- (b) If the corporate office is licensed by the State in which it is located, a copy of this license shall be submitted to the Department at the time of issuance and at the time of each renewal thereafter;
- (c) Documentation shall be provided as to the supervision and evaluation of the South Carolina office by the corporate office.

B. Governance. The child placing agency shall have a governing body of the Agency and the governing body shall exercise authority over and have responsibility for the operation, policy, and practices.

#### C. Organization Chart

(1) The child placing agency shall maintain a current organizational chart showing the administrative structure and staffing, including the lines of authority.

(2) A copy of this shall be submitted to the Department at the time of licensing, re-licensing, and within 5 days of any leadership change.

#### D. Fees and Payments

(1) If fees are charged, the child placing agency shall have a written policy on fees for services which shall be submitted to the Department.

(2) A copy of the foster or adoptive parent payment schedule shall be submitted to the Department.

(3) The child placing agency shall provide the Department, foster parent(s), or adoptive parent(s) with written notification of changes in the payment schedule ninety (90) days prior to the implementation of any change.

#### E. Monitoring Child Placing Agencies

(1) The Department shall monitor all child placing agencies. The Department reserves the right as part of its monitoring function to visit the individual foster, group and adoptive homes as well as the primary offices of the child placing agency.

(2) Child placing agencies shall monitor all of their licensed foster homes and adoptive homes for compliance with the regulations established by the Department.

#### 114-4930. Requirements for Licenses and Types of Licenses.

A. Application. After the receipt of the application for licensure/relicensure by the Agency, the Department shall initiate a licensing study within two (2) weeks and shall complete the assessment within ninety (90) days.



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B. Issuance. Upon completion and submission of the licensing/relicensing study to the Department, the Department shall issue a Standard license or a Standard License with Temporary Waiver or deny the application/reapplication.

C. Display of License. The license is the property of the Department and shall be prominently displayed at all times by the Agency.

D. Compliance. Any child placing agency which operates any form of child care program, whether day care or residential in nature, must comply with all applicable State regulatory requirements for that type of child care program.

E. Standard License. The Department shall issue a Standard License when a child placing agency meets all the regulations. A Standard License is in effect for one (1) year from the date of issuance unless cancelled, modified to a Standard License with Temporary Waiver, revoked or suspended.

### F. Standard License with Temporary Waiver

(1) The Department may grant a Standard License with Temporary Waiver to a child placing agency that is temporarily unable to comply with a regulations, provided the health and safety of children would not be endangered, and the health and safety of clients would not be adversely affected.

(2) The licensee shall have a written plan, approved by the Department, to correct the areas of noncompliance within the probationary period.

(3) A Standard License with Temporary Waiver may be issued for a period not to exceed 90 days, but only to an Agency that is otherwise in good standing and that currently holds a license or is in the re-licensing process.

(4) A Temporary License that states the condition of the probation may be issued at any time; provided, however, that a Temporary License may only be issued when the Department is satisfied that:

(a) The regulations can and will be met within a reasonable time, and;

(b) The deviations do not seriously threaten the health and safety of children, or otherwise adversely affect clients.

(5) Any existing license is invalid when a Standard License with Temporary Waiver is issued.

(6) At the expiration of the Standard License with Temporary Waiver, for good cause shown, the Department may extend the period for an additional 90 days, provided the extension would not endanger the health and safety of children, or otherwise adversely affect clients.

(7) To change the status from a Standard License with Temporary Waiver to a Standard License, the Agency shall submit written notification and evidence that noted deficiencies have been corrected within the time frame specified by the Department.

(8) After the Department determines that the areas of noncompliance have been corrected, a Standard License shall be issued.

### G. Denial or Revocation of a License

(1) Any of the following actions by a child placing agency or any employee thereof may be grounds for denial or revocation of a license:

(a) An intentional act or omission violating the South Carolina Child Protection Act, or any other act or omission in violation of professional social work standards and threatening the health or safety of clients;

(b) A violation of the provisions of Sections 63-11-10 through 63-11-90 or any regulation pursuant to that law, or any violation of the adoption law or its regulations;

(c) The employment of any individual who has been determined to have committed any act referenced in Regulation 114-4910 C(6) of these regulations, where that individual has direct contact with children as a result of employment. However, the child placing agency may request a waiver of this requirement. The individual must submit written documentation regarding the type of rehabilitation program they might have undergone and the effects of the rehabilitative efforts on their behavior/lives. An evaluation by the involved counselor or therapist must also be submitted to the Department. The Commissioner or his designated representative(s) will review this data and determine if a license can be issued;

(d) A failure to comply with licensing regulations with a determination by the Department that compliance cannot be accomplished within established or reasonable time limits;

(e) False information given during the application or relicensing process;

(f) Material misrepresentations to clients during the course of child placing agency business;

(g) A judicial determination of a violation of the South Carolina Unfair Trade Practices Act;

(2) The decision to deny or revoke a license is made by the Department.

(3) A license that has been revoked must be returned to the Department within ten (10) working days.

#### H. Appeal of Denial of Application or Revocation of a Child Placing Agency License

(1) Any child placing agency whose application has been denied or whose license has been revoked may request a hearing in accordance with the Department's fair hearing regulations. Any judicial review of a final agency decision shall be based upon a review of the administrative hearing record, rather than a trial de novo. The Department will be responsible for documenting violations which warrant denial of an application/revocation of a license. If the Department is not represented by an attorney, the Department staff will be responsible for presenting the case, cross examining witnesses, etc.

(2) If the child placing agency does not appeal a denial or revocation within thirty (30) days, the Department's decision becomes final and the Department may proceed to require immediate cessation of business by the child placing agency, including injunctive relief when necessary. Where harm to clients is imminent, the Department may proceed to seek an injunction prior to the expiration of thirty (30) days.

#### I. License Amendments

(1) Amendments must be requested in writing to the Department prior to a change in location or name change.

(2) Upon receipt and approval of the amendment, a new license shall be issued within thirty (30) calendar days. The original license must be returned to the Department within 30 calendar days after receipt of the new license.

114-4940. Relicensing Procedures.

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A. Renewal Process. Each year, all licensed child placing agencies shall receive written notification from the Department within ninety (90) days prior to the renewal date of the license. Where the Department has failed to so notify, the license shall be valid for an additional ninety (90) days from the date of actual notification, unless the license is revoked for other reasons.

B. Application Requirements. When the child placing agency submits an application for renewal prior to the current expiration date, the current license shall remain in effect until the Department issues a new license or denies the renewal application. An application is not considered complete unless all required supporting documentation is attached. Failure to supply all required documentation may result in denial of a license. The complete relicensing application shall be submitted to the Department at least 30 calendar days prior to the expiration date of the current license.

C. Application Content. The following information shall be submitted to the Department along with the application for renewal:

(1) DSS Form 1536, Original Licensing/Relicensing/Changes for Residential Facility and Child Placing Agency Form;

(2) DSS Form 1520, Annual Report of Children Under Care or Supervision of Licensed Child Placing Agencies;

(3) Copy of the financial report certified by a Certified Public Accountant (CPA) for the fiscal year prior to current licensing period;

(4) A list of job descriptions including qualifications of current administrative and program staff;

(5) For any new program staff since the previous licensing/relicensing, a statement complying with Regulation 114-4910 C(6);

(6) A written report of any major changes in programming since the last license was issued or any changes planned for the new license period;

(7) All fee schedules, for Agencies engaged in the business of adoptions.

### 114-4950. Confidentiality Requirements.

A. Child placing agencies and their personnel are subject to Sections 63-7-1990 and 63-9-780.

B. Except as provided below, without written consent of the parent or legal guardian of the child, no officer, agency or employee of the Department or of a licensed facility, agency, group home or foster home shall directly or indirectly disclose personally identifiable information learned about the children placed in their care, their parents, or relatives or other persons having custody or control of them. Such information must be made available upon written request to appropriate Department staff, local child protection agencies, ombudsman of the Governor's office, Foster Care Review Board, person or agency having legal responsibility or authorization to care for, treat, or supervise the child or the child's family, multidisciplinary evaluation teams impaneled by agencies, and law enforcement agencies investigating suspected cases of abuse and neglect, family court, the child, his parents, guardian, or adoptive parents, child's guardian ad litem or attorney.

### 114-4960. Personnel Requirements.

A. Policies and Practices

(1) The child placing agency shall make available written personnel procedures and practices conducive to recruitment, retention, and effective performance by qualified personnel. These procedures and practices shall include, but not be limited to the following:

(a) Written job descriptions and titles for each position defining the qualifications, duties, and lines of authority;

(b) Provisions for activities which shall encourage professional growth through supervision, orientation, in-service training, and staff development;

(c) An evaluation of job performance at the end of a probationary period and at least annually thereafter for each staff member.

(2) A personnel file shall be maintained for each employee which includes, but is not limited to:

(a) The application for employment, including record of previous employment, social security number, personal information;

(b) Copies of background checks specified in Regulation 114-4910(C)(6);

(c) Qualifications for position;

(d) Required and up to date professional credentials/certifications;

(e) Copy of annual job performance evaluations;

(f) Training records and conferences attended including dates and topics;

(g) Commendations, disciplinary notices;

(h) Date(s) of employment and termination date(s);

(i) Reason(s) for termination;

(j) Forwarding address of former employer, if available;

(3) The personnel file of all employees who leave the Agency shall be maintained for a period of at least 3 years.

#### **B. Staff Functions and Qualifications**

(1) Staff shall be employed who have education, training and experience to equip them for duties assigned. An adequate number of staff shall be employed to perform administrative, supervisory and child care functions.

(2) The Agency must ensure all staff and volunteers are in compliance with the background check requirements set forth in Regulation 114-4910(C)(6).

(3) Agencies operating multistate programs under the supervision of an Executive Director shall serve or employ an assistant Director to whom the responsibility for administration of the South Carolina program shall be delegated.

(4) The Executive Director or Assistant Director shall have as a minimum a Bachelor's Degree and two years administrative experience in the field of human services.

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(5) The Executive Director or the Assistant Director shall:

(a) Be a full-time resident of the State of South Carolina or a resident of a city located within twenty five (25) miles of the State's border;

(b) Be responsible for administration of policies and procedures established by the Board for operation of the Agency;

(c) Be responsible for preparation, or assisting in the preparation of the annual budget, and control of expenditures according to budget allowance;

(d) Be responsible for personnel matters including hiring, assigning duties, in-service training, supervision, evaluation of staff and terminations;

(e) Be responsible for professional leadership and technical consultation to the Board, and for periodic evaluations of the Agency's performance in terms of the conditions of licensure;

(f) Represent the Agency in the community, maintain a good working relationship with other social agencies, services and resources within the community;

(g) Shall demonstrate through confidential references, an acceptable professional standard of ability and integrity. In determining the qualifications of the Director, the Department may inquire into relevant information concerning the Director's background, including but not limited to inquiries into complaints of unprofessional and unethical conduct.

(6) There shall be at least one Casework Supervisor. The Executive Director or assistant Director may perform this function if qualified.

(7) There shall be a minimum of one Casework Supervisor for every eight (8) Caseworkers.

(8) There shall be sufficient clerical staff to keep correspondence, records, bookkeeping and files current and in good order.

C. Staffing Requirements. Each supervisor shall be responsible for no more than eight (8) caseworkers. Caseworker's caseloads shall be limited to allow for all the required contacts with the children, biological families, foster families, adoptive families, and collateral parties.

### D. Staff Development

(1) The child placing agency shall have a written plan for the orientation, ongoing training and development of all staff members.

(2) The child placing agency shall ensure that placement supervisors and child placement workers receive at least ten hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purpose of this requirement.

### E. Volunteers

(1) A child placing agency which utilizes volunteers on a regular basis shall:

(a) Develop a description of duties and specify responsibilities for volunteer positions;

(b) Designate a staff member to supervise and evaluate volunteers;

(c) Have volunteers sign a statement indicating their understanding and compliance with confidentiality requirements.

(2) If volunteers are working directly with children, they shall:

(a) Be oriented and trained in the philosophy of the agency, the needs of the children served, the needs of their families, and the methods of meeting these needs.

(b) Be subject to background checks as stated in Regulation 114-4910(C)(6);

(c) Be instructed as to their specific duties and be informed of a child's special needs as appropriate.

(3) Records shall be kept on the hours and activities of volunteers.

F. Certification Requirements. All certified Adoption Investigators and persons certified to take relinquishments must meet the requirements of Section 63-9-360.

114-4970. Child Placing Agency Records.

#### A. Child's Record

(1) The Agency shall maintain a case record for each child or sibling group placed in a foster family home or adoptive home which shall be kept up to date and include information required by the contract with the Department, including, but not limited to:

(a) Demographic information including the name, gender, race, date of birth, and placement address;

(b) The name, address, telephone number, and marital status of the parent(s) or guardian(s) of the child;

(c) Collateral information, to the extent available, such as:

i. Name and placement of siblings;

ii. Name, address, and telephone number of birth parents and other significant kin and fictive kin;

iii. Records from the Department, including copies of legal documents of importance to the child, such as birth records, and court dispositions, and the portions of the case plan related to the child, including visitation and permanency plans;

iv. Medical records, mental health records, service provider records, and educational records; and

v. Name, address, and telephone number of caseworker/supervisor for the child.

(d) Documentation of services provided to the child during placement, such as:

i. Assessments and evaluations;

ii. Progress summary/case notes;

iii. Critical incident reports;

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iv. Discharge summary that shows services provided to the child during placement, the growth and accomplishments of the child during placement, and recommendations for continued services/care after the child is discharged; and

v. The circumstances leading to the decision to place a child in substitute care or into an adoptive home, the agency's involvement with the parents or legal guardians, including services offered, delivered, or declined.

(e) Agencies providing adoption services must have written policies specifying the timeframe for retention, location, and storage of all documentation related to adoption services, such as birth family information and after care services, and reports prepared pursuant to Section 63-9-520. These policies and procedures must also specify how adoptees or their parents may access records.

(2) The child placing agency shall ensure that there shall be a report pursuant to Section 63-9-520 prior to the finalization of adoption.

### B. Birth Family Records Maintained by Agencies Providing Adoption Services

(1) The child placing agency shall maintain a record of the family of every child whom the Agency places into care which contains:

(a) Demographic information including address, birth dates, race, religion, family composition, and significant others;

(b) The social history, including any psychological or psychiatric reports and medical histories;

(c) Strengths and needs of the family and the services required;

(d) Worker's assessment and initial case plan;

(e) Signed agreements between the child placing agency and family or the Department;

(f) Summary of dates of contact and progress toward goals;

(g) Case review reports; and

(h) Discharge summary.

(2) The child placing agency shall keep all records current and shall record the following events within thirty (30) days of occurrence: intake study, case plan, reviews, and major events in the lives of the child or family members.

C. Foster Home Records. The child placing agency shall keep separate records for each foster home which contain:

(1) The application;

(2) Assessment Study/Home Study;

(3) Background check reports required by Regulation 114-4910(C)(6);

(4) Summary of dates and content of Agency worker's contacts;

(5) References from at least three sources;

(6) Annual assessment of strengths and weaknesses of the foster family relative to the care of individual children placed with them;

(7) Annual relicensing assessment study and reports connected with compliance with foster home regulations;

(8) Summary of the care given by the family, children placed, dates admitted and discharged from care; and

(9) A termination summary for homes which are closed containing the reasons for the closing;

(10) Any fire or health records otherwise required by law or regulation for foster homes.

#### D. Adoptive Study Records

(1) Any child placing agency providing adoption services shall keep separate records for each adoptive family which contains:

(a) The application;

(b) The adoptive assessment study;

(c) Current medical records of the family;

(d) References from at least three sources;

(e) A summary of contacts following approval for adoption until placement of a child;

(f) Summary containing the placement decision, pre-placement and post-placement contacts with the adoptive child.

(2) In the event a family was not accepted or did not have a child placed with them, a narrative clearly indicating the reason and the manner in which the decision was presented to the family shall be made a part of the record prior to case closure.

#### 114-4980. Procedures and Practices of Child Placing Agencies.

##### A. Foster Home Licensing

(1) Child placing agency foster homes shall be licensed/relicensed in accordance with R. 114-550.

(2) The child placing agency shall complete a home study using the Department's home study guide and record the assessment/home study in the Agency's foster home records. The home study must be written by a Certified Investigator.

(3) The child placing agency shall notify the affected person in writing if a license is being denied, revoked, or not renewed. The affected person is entitled to appeal such adverse decisions through the Department's fair hearing procedures. Child placing agencies must participate and cooperate in the fair hearing process until final disposition.

##### (4) Foster Home Relicensing

(a) Foster family homes shall be relicensed in accordance with Regulation 114-550;



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(b) The Department may issue, deny or revoke a license based on the relicensing assessment study.

### B. Monitoring Foster Homes

(1) The child placing agency shall monitor its licensed foster homes for compliance with the foster home regulations established by the Department.

(2) When a complaint is received that may indicate possible violations of foster home regulations, the child placing agency shall:

(a) Conduct an investigation to assess the complaint;

(b) Send a written report to the foster home stating findings, conclusions, and any anticipated actions;

(c) Notify the Department, in writing, of the complaint and pertinent information including, but not limited to, findings, conclusions, and any anticipated actions; and

(d) Report any suspected cases of abuse or neglect as required by law.

### C. Amendments to and Revocation of a Foster Family Home License

(1) The child placing agency shall utilize the regulations established by the Department whenever there is an amendment to the foster home license.

(2) In the event a child placing agency needs to revoke a foster family home license, the child placing agency shall document violations of any and all regulations, stating with specificity, any regulatory violations informing the decision to revoke.

### D. Selection of a Foster Family Home

(1) Through matching, the child placing agency shall select a family for a child's placement, consistent with the family assessment, the child's needs, and the terms of the license.

(2) The child placing agency shall not place children in foster homes licensed by another entity without written permission of that entity and the Department.

(3) At the time of referral, the child placing agency shall review all information provided, assess the needs and strengths of the child, and through the matching process, select the child's placement with a foster and/or adoptive family.

(4) Once a placement is made, the child placing agency shall not move a child to a different foster family home without the express permission of the Department.

(5) The child placing agency shall identify the most appropriate foster family home or adoptive home placement for the child, consistent with the child's needs and the skills and abilities of the foster or adoptive parent to assist in the achievement of goals in the child's case plan.

(6) The Department approves all (initial and subsequent) placement recommendations.

(7) The child placing agency shall make every effort to place a child in a home within close proximity to the child's family.

(8) The child placing agency shall make every effort to place siblings together or in close proximity to each other.

(5) The child placing agency shall recommend and assist in identifying specialized services the child may need while in placement.

(9) The child placing agency shall adhere to Interstate Compact on the Placement of Children rules and regulations when placing a child for adoption.

#### **E. Case Plan**

(1) At the time of placement, the Department shall provide the child placing agency with the portion of the case plan that identifies the child's specific needs and services and includes the permanency and visitation plan.

(2) For children receiving Therapeutic Foster Care, the child placing agency shall develop a case plan for the child in accordance with the Department's standards for identified treatment services and needs within 30 days of placement.

(3) Prior to accepting a child for adoptive placement, a child placement agency shall secure from the parents, guardians, or agency having custody, written authority to place the child for adoption.

(4) Prior to placing a child in a foster family home, the child placing agency shall secure written authorization from the Department to provide routine medical care and to sign educational plans. Prior to accepting a child for adoptive placement, a child placing agency shall secure from the parents, guardians, or agency having custody, written authority to provide routine medical care and to sign educational plans.

(5) Child placing agencies that provide adoptive services shall help the parents or legal guardians to understand the legal rights and obligations that they retain and those that are delegated to the child placing agency, and shall document this explanation in writing.

#### **F. Supervision and Review of the Case Plan**

(1) The child placing agency shall participate, as determined by the Department, in case plan reviews of children placed in the Agency's foster family homes.

(2) Child placing agencies providing therapeutic foster care shall conduct case plans reviews following standards determined by the Department.

(3) The parent(s) and the child shall participate in these reviews.

#### **G. Adoptive Services**

(1) Child placing agencies providing adoption services shall provide information to prospective adoptive parent(s) about the adoption process, the agency's policies and practices, legal procedures, adoptive record content, types of children available, the fees, structure and the availability of subsidy.

##### **(2) Adoptive Home Application**

(a) The child placing agency shall provide an application form for prospective adoptive parent(s);

(b) The child placing agency in response to an application for adoption and acceptable screening interview shall conduct an adoptive study to assess the applicant(s) appropriateness to be an adoptive parent(s).

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### (3) Adoptive Study/Adoptive Home Assessment

(a) The child placing agency shall include in any home study at least two (2) face- to- face interviews in the family's home. Separate face-to-face interviews with each member of the household must be conducted. The study process shall be a joint effort of the child placing agency and the applicant(s).

(b) The child placing agency shall also study the following areas and shall record the information in the adoptive applicant(s) record:

- i. Motivation for adoption;
- ii. Strengths and weaknesses of each member of the household;
- iii. The attitudes and feelings of the family, extended family, and significant others involved with the family toward accepting adoptive children, and parenting children who are not born to them;
- iv. Attitudes of the applicant(s) toward the birth parent(s) and the reason(s) the child is in need of adoption;
- v. The applicant's plan for discussing adoption with the child;
- vi. Record of arrests and criminal convictions and checks with the Central Registry for Child Abuse and Neglect.
- vii. Adjustment of birth children, foster children or previously adopted children, including school reports, if applicable;
- viii. A report of a physical examination for members of the adoptive family living in the household within six (6) months of the study which verifies that each person suffers no communicable disease, specific illness, or disabilities which would interfere with the family's ability to parent a child;
- ix. Ability to provide financially for the child or children to be adopted with or without agency financial assistance through adoption subsidy;
- x. Personal and community character references;
- xi. Religious orientation, if any;
- xii. Location and physical environment of the home;
- xiii. Plan for child care if parent(s) work; and
- xiv. Recommendations for adoption in regard to number, age, sex, characteristics, and special needs of children best served by the family.

### (4) Notification Regarding Application

(a) The child placing agency shall notify applicant(s) in writing within thirty (30) days of completion of the adoption investigation of the acceptance or denial of their application;

(b) When applicant(s) are not accepted, the child placing agency shall inform them of the reasons why the application is denied.

(5) Service to Adoptive Parent(s)

(a) The child placing agency shall prepare the adoptive family for the placement of a particular child. Preparation shall include:

- i. Information about the needs, characteristics, expectations of the child, the child's biological family and foster family, excluding identifying information on the child's biological family;
- ii. Review of medical histories of the child and of the child's biological family; and
- iii. Visits with the child prior to placement, where age appropriate to the child.

(b) The case worker must make monthly in person contact with the child and family until a final decree of adoption is entered.

(c) A child must be in the physical placement with the adoptive family for a period of 90 days unless the family court finds there is good cause for modifying the time within which the final adoption hearing may be held.

(d) If the Agency is monitoring a child that has been placed by another State's child welfare system, a minimum of 6 months monitoring is required before recommending final adoption.

H. Services to Families

(1) The child placing agency shall make appropriate agency services available to parent(s). When custody of the child is held by another agency, these services may only be made available upon that agency's approval.

(2) The child placing agency shall make every reasonable effort to help the parent(s) to assume or to prepare them to resume their parental roles and responsibilities.

(3) The child placing agency shall help the family gain access to the services necessary to preserve and strengthen the family and to accomplish the case plan goals. While the child is in care, the child placing agency shall assist parent(s) or legal guardian(s) with the problems and needs that led to the necessity for placement.

(4) The child placing agency shall encourage contacts between parent(s) or legal guardian(s) and children after placement, in accordance with the case plan.

(5) The child placing agency shall have a signed agreement with the parent(s) or legal guardian(s) of the child in care which includes, but is not limited to, the expectations and responsibilities of the child placing agency and the parent(s) or legal guardian(s) for carrying out the steps to meet the case plan goals, the financial arrangements for the child in care, and visitation plans.

I. Services to Unmarried Parents

(1) Upon request, the child placing agency shall make counseling services available to unmarried parents considering adoptive placement both prior to and after the birth of the child.

(2) After the birth of the child, counseling services shall continue for a reasonable period of time to assist the unmarried parent(s) to accept their decision to release the child for adoption or to keep the child.

J. Adoption Preservation Services

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(1) Upon request of the adoptive family, the child placing agency must provide adoption preservation services to all families for which the Agency provided adoption services until the child reaches age 21.

(2) The child placing agency must provide the Department with the following information:

(a) The location of any stored adoption records and the location where records will be stored upon closure of the child placing agency;

(b) Policies and procedures for adoptees, adoptive families, and birth parents to access adoption records.

(3) Adoption records must be retained in accordance with the Department's retention procedures.

### K. Pre and Post Adoption Support of Children Adopted from Out-of-State Child Welfare Systems

(1) An Agency that facilitates the placement of out-of-state foster children into the adoptive homes of South Carolina residents via the Interstate Compact on the Placement of Children must provide to the Department a written assurance of the Agency's agreement to provide pre and post adoption support to prevent disruption or dissolution of adoption.

(2) The Agency is responsible for developing and implementing a case plan to prevent disruption or dissolution of adoption. The Agency is financially responsible for the provision of any necessary services. Financial responsibility may include the costs of out-of-home placement or foster care, medical expenses, educational support, and other costs as necessary to achieve permanency and stability for the child.

(3) The Agency must report any disruption or dissolution of an adoption under this subsection within 24 hours of the occurrence. The Agency must provide a case plan for the provision of ongoing services and support, including financial support, within 7 days of a disruption or dissolution of adoption.

(4) The Department will not approve a prospective adoptive parent to whom this subsection applies as being able to meet the needs of a child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development, in the absence of the Agency's assurance through a written agreement with the Department to provide pre and post adoption services and supports as outlined in this subsection.

(5) An Agency's failure to provide services and supports as outlined in this subsection may subject the Agency to penalties including license revocation, license suspension, and fines.

### **Fiscal Impact Statement:**

The Department of Social Services estimates there will be no additional costs incurred by the State and its political subdivisions due to the promulgation of the proposed regulations.

### **Statement of Rationale:**

As the administrator of the State's foster care system, the Department of Social Services is responsible for establishing and promulgating rules and regulations for the licensure of agencies and institutions engaged in the business of receiving children for care and maintenance related to foster care and adoption. The regulations governing licensing standards for child placing agencies (South Carolina Code of Regulations 114-4910, 4920, 4930, 4940, 4950, 4960, 4970, and 4980) are being amended to make updates necessary to meet the current needs of the State's foster care and adoption systems. The proposed regulations set standards for child placing agencies that will further the States interest in ensuring safe, stable, and appropriate foster family and adoptive home placement for children.

Document No. 5315  
**DEPARTMENT OF SOCIAL SERVICES**  
 CHAPTER 114

Statutory Authority: 1976 Code Sections 43-1-80 and 63-9-1700 through 1810

114-4380. Supplemental Benefits for Adoption and Medical Assistance.

**Synopsis:**

The State of South Carolina aims to support adoption laws by making possible through public supplemental benefits the most appropriate adoption of each child certified by the Department of Social Services as requiring a supplemental benefit to assure adoption. The Department of Social Services is charged with promulgating regulations to carry out the State's purpose; and therefore, is proposing to amend Regulation 114-4380 to promote compliance with statutory authority and to further the Department's mission to promote safety, permanency, stability, and well-being of children who are in the State's foster care system.

Section-by-Section Discussion:

Regulation 114-4380

1. Subsection (A), Amended to clarify the meaning of key terms found in the regulations.
2. Subsection (B), Amended to clarify eligibility requirements.
3. Subsection (D), Amended to explain the process for prior approval of certain expenditures and to notify adoptive parents that the State Medicaid agency may require certain documentation to continue coverage of a child adopted in another State.
4. Subsection (E), Amended to clarify when Supplemental Benefits may terminate.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

**Instructions:**

Print the regulations as shown below. All other items remain unchanged.

**Text:**

114-4380. Supplemental Benefits for Adoption and Medical Assistance.

(Statutory Authority: 1976 Code Sections 63-9-1700 through 63-9-1810 and Sections 63-9-2000 through 63-9-2050)

A. Definitions.

1. Supplemental Benefits: State funded payments for the care and support of an adopted child.
2. The Department: The South Carolina Department of Social Services.
3. Family: The adoptive family who is adopting or has adopted a child, or the caregiver.
4. Caregiver: The person who provides care and support after the death or disability of the adoptive parent(s).

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5. Child: A person under the age of 18 or a person age 18, 19, or 20 who meets the education or employment requirements of Section 63-7-2710 or who is incapable of meeting such requirements due to a physical, intellectual, emotional, or psychiatric condition that limits participation in education or employment activities.

6. Adoption Assistance Agreement: An Adoption Subsidy Agreement or contract between an adoptive family and the Department or another adoption assistance state for ongoing or time limited financial support through federal or state public funds.

7. Special Needs Child: For the purpose of adoption, means children who fall into one or more of the following categories:

- (a) children who are members of a sibling group;
- (b) children of marginalized ethnic backgrounds, except for purposes of Section 63-9-60(B)
- (c) children aged six or older; or
- (d) children with physical, mental, or emotional disabilities.

8. ICAMA: The Interstate Compact on Adoption and Medical Assistance.

9. Medical Assistance Identification: Medicaid Card.

10. Prior Approval: Required authorization for payment of Supplemental Benefits funds for costs associated with the known conditions stated in the Adoption Subsidy Agreement that are not covered after Medicaid, private insurance, educational, and other funding sources have been explored and ruled out.

### B. Eligibility Requirements for Supplemental Benefits.

- 1. The child has been placed for adoption by the Department.
- 2. The child must be legally free for adoption and one of the following provisions apply:
  - (a) is a special needs child pursuant to Section 63-9-30;
  - (b) is at high risk of developing a physical, mental, or emotional disability;
  - (c) is one for whom other factors, as determined by the department, interfere with the child's ability to be placed for adoption;
  - (d) has established significant emotional ties with prospective adoptive parents while in their care as a foster child, and it is considered by the agency to be in the best interest of the child to be adopted by the foster parents.

### C. Eligibility Requirements for Medicaid Coverage.

- 1. The initial adoption assistance agreement for state or federal public funds must have been signed by the family and the authorized agency representative prior to adoption finalization.
- 2. The family must have a current adoption assistance agreement for federally funded adoption assistance or for state funded adoption assistance based on the child's medical or rehabilitative needs.

### D. Family Responsibilities.

1. The family shall notify the Department within ten working days of changes in the child's condition or the family's circumstances that may affect the adoption assistance agreement in any way.

2. The family shall use all other available resources, including Medicaid, before using Supplemental Benefits payments for medical, rehabilitative or other treatment services.

3. The family shall cooperate with the Department by signing and returning the adoption assistance agreement promptly.

4. The family shall notify the Department within ten working days if they are no longer legally responsible for supporting the child or if they are no longer financially supporting the child.

5. The family must obtain prior approval to receive Supplemental Benefits for Medical Assistance costs associated with known conditions stated in the Adoption Subsidy Agreement that are not covered by Medicaid, private insurance, educational, or other funding sources that have been explored and ruled out. Experimental services, services that are not approved by governmental agencies or national professional associations concerned with such services, and services that are not associated with diagnoses or conditions stated in the Adoption Subsidy Agreement are not reimbursable under this program.

6. A family that has an agreement with another state may be asked to provide proof that the agreement is still in force to receive Medicaid or other services in South Carolina through ICAMA.

#### E. Supplemental Benefits Payments.

1. Payments may begin as soon as the child has been placed adoptively and agreements have been executed.

2. Payments may be delayed until the child's needs increase and the family can no longer meet those needs from their own resources.

3. Payments terminate at age 21 if the Department determines the child has a mental or physical disability which warrants the continuation of Supplemental Benefits, at age 18 or age 19, 20, or 21, as applicable, if the child meets requirements of the extended foster care program as set forth in Title 63, Chapter 7, Article 8. The Department requires annual proof that a child aged 18-21 meets requirements for the continuation of Supplemental Benefits by the last day of the child's birth month.

4. In no case may Supplemental Benefits continue beyond a child's 21<sup>st</sup> birthday.

5. All Supplemental Benefits terminate at the death of the child or at the death or disability of the adoptive parents, unless the disability results in placement of the child with a caregiver.

6. Supplemental Benefits may be paid to a caregiver with the approval of the Department.

7. Supplemental Benefits may not exceed that which is reasonable for treatment services or allowable for a child under foster family care.

8. Supplemental Benefits may be reduced, terminated or left the same, if the family begins receiving other cash benefits on behalf of the child, i.e., Social Security benefits. Any reduction or termination will be negotiated with the family, but the final determination will be made by the Department.

9. With prior approval, the family may be reimbursed for the child's medical expenses for conditions covered in the adoption assistance agreement and that are not paid by private insurance, Medicaid or other resources.



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### F. Overpayments.

1. The family who has received an overpayment shall be required to reimburse the Department.
2. The Department reserves the right to recoup overpayments from future payments.

### G. Supplemental Benefits Appeals.

1. The family has the right to appeal any decision made by the Department on Supplemental Benefits both before and after finalization of the adoption, according to the Department's approved fair hearing appeal process.
2. The family will be informed of its right to a judicial review in accordance with the Administrative Procedures Act.

### H. ICAMA Appeals.

The family has the right to appeal decisions made about adoption assistance and/or services as specified in the adoption assistance agreement according to the policies and procedures in the state which entered into the agreement or the state in which the child lives, if appropriate.

### **Fiscal Impact Statement:**

The Department of Social Services estimates there will be no additional costs incurred by the State and its political subdivisions due to the promulgation of the proposed regulations.

### **Statement of Rationale:**

The State of South Carolina aims to support adoption laws by making possible through public supplemental benefits the most appropriate adoption of each child certified by the Department of Social Services as requiring a supplemental benefit to assure adoption. The Department of Social Services is charged with promulgating regulations to carry out the State's purpose; and therefore, is proposing to amend Regulation 114-4380 to promote compliance with statutory authority and to further the Department's mission to promote safety, permanency, stability, and well-being of children who are in the State's foster care system.

Document No. 5360  
**DEPARTMENT OF TRANSPORTATION**  
**CHAPTER 63**

Statutory Authority: 1976 Code Sections 57-25-800 through 57-25-830

63-339. Agritourism and Tourism-Oriented Directional Signing.

### **Synopsis:**

S.C. Code Sections 57-25-800 through 57-25-830 authorize SC Department of Transportation to promulgate regulations necessary for regulating the Agriculture and Tourism-oriented directional signing program. These regulations are being updated to be in compliance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) and provide guidance based on current practices agreed upon by the Tourist-Oriented Signage (TODS) Program Oversight Committee.

The Notice of Drafting was published in the *State Register* October 25, 2024.

### Section-by-Section Discussion:

*South Carolina State Register Vol. 49, Issue 5*  
May 23, 2025

| Section  | Type of Change | Purpose   |
|--|----------------|---|
| R.63-339.C.(1)   | Revision       | Change “Department” to “SCDOT”                                      |
| R.63-339.C.(11)  | Delete         |   |
| R.63-339.C.(12)  | Revision       | Re-number to R.63-339(C)(11)  |
| R.63-339.C.(13)  | Revision       | Re-number to R.63-339(C)(12)  |
| R.63-339.D.(3)   | Revision       | Delete 2 <sup>nd</sup> sentence on regarding type of business names |
| R.63-339.D.(6)   | Revision       | Change “Department” to “SCDOT”                                      |
| R.63-339.G.  | Revision       | Add that driveways criteria for placement                           |
| R.63-339.G.(1)   | Revision       | Add criteria for businesses with driveways on primary routes        |
| R.63-339.G.(3)   | Revision       | Add criteria for businesses with driveways on primary routes        |
| R.63-339.H.(f)   | Revision       | Revise operation language for seasonal businesses                   |
| R.63-339.H.(h)   | Revision       | Revise requirements for public telephones                           |
| R.63-339.I.(j)   | Revision       | Revise requirements for public telephones                           |
| R.63-339.J.(1)(2)(3)(4)<br>R.63-339.K.(1)(3)(6)(7)<br>(8)(9)(10)(11)(13) | Revision       | Change “Department” to “SCDOT”                                      |
| R.63-339.K.(3)   | Revision       | Add type of attendance at meetings                                  |
| R.63-339.K.  | Revision       | Change “Department” to “SCDOT”                                      |

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

## 63-339. Agritourism and Tourism-Oriented Directional Signing.

A. Introduction. The South Carolina Department of Transportation has developed this program for the installation of directional signs on the state highway system for agritourism and tourism-oriented facilities or activities located on rural, conventional highways.

B. Purpose. The purpose of this program is:

(1) To provide motorist with business identification and directional information for agritourism and tourism-oriented facilities or activities for eligible participants;

(2) To eliminate illegal outdoor advertising signs as required by the South Carolina Highway Advertising Control Act. 57-25-110, et seq.

## C. Definitions

(1) ‘SCDOT’ means the South Carolina Department of Transportation or its authorized agents.

(2) ‘Highway’ means a highway on the state highway system as defined under 57-5-10, constructed to at-grade intersections standards and without control-of-access.

(3) ‘Agritourism activity’ means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment or educational purposes, to participate in rural activities.

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(4) ‘Rural activity’ means wildlife management, farming and ranching, or associated historic, scientific research, cultural, harvest-your-own and natural activities and attractions.

(5) ‘Rural area’ means an area outside the limits of an incorporated municipality having a population of 5,000 or more according to the most recent decennial census of the United States Bureau of Census.

(6) ‘Agritourism-oriented facility’ means a location where an agritourism activity is carried out by an agritourism professional or other agricultural facility meeting the criteria established in these regulations.

(7) ‘Agritourism professional’ means any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

(8) ‘Tourism-oriented facility’ means a location where the facility derives greater than 50% of its income or total visitors during a normal business season from road users not residing in the area of the facility and other criteria established in these regulations.

(9) ‘Rest room facilities’ mean separate facilities for men and women, to include sink and toilet, and available to all motorists at no charge.

(10) ‘Drinking water’ means a water fountain and/or cups of water provided to all motorists at no charge.

(11) ‘Driveway access’ means a vehicle entrance, built in compliance with state and local standards and regulations, for use by the public that provides access to an agritourism or tourism-oriented activity.

(12) ‘MUTCD’ means the Federal Highway Administration’s Manual on Uniform Traffic Control Devices as adopted under 56-5-920.

### D. Agritourism and Tourism Oriented Directional Sign Design

(1) A sign assembly shall be comprised of one or more individual business panels and the required sign supports. Each business panel shall be limited to information for one eligible business, service, activity or facility.

(2) Business panels shall be rectangular in shape and shall have a white legend and border on a blue background.

(3) Legend on business panels shall be limited to the identification and directional information for an eligible participant. Participants/business names shall not be vulgar or offensive in nature. Advertising shall not be allowed as part of the legend. An official program logo developed by the Department of Agriculture may be included and located adjacent to the identification information of agritourism-oriented facilities. An official program logo developed by the Department of Parks, Recreation and Tourism may be included and located adjacent to the identification information for tourism-oriented facilities.

(4) Each business sign panel shall be limited to two lines of legend, the official program logo, the distance, in miles rounded to the nearest mile, to the business from an intersection and a directional arrow.

(5) Directional arrows pointing to the left or straight up should be located at the extreme left of the business panel. Directional arrows pointing to the right should be located to the extreme right of the business panel. The official program logo, if used, shall be to the immediate left of the business name. The mileage to the business shall be located between the directional arrow and the official program logo or business name.

(6) All sign panels shall be fabricated from materials which conform to the SCDOT’s latest specifications for sign blanks and sign sheeting.

(7) Business panels shall not contain a corporate trademark, logo, symbol, or slogan.

(8) Sign assemblies shall not be illuminated internally or externally.

#### E. Size and Style of Sign Legend and Elements

(1) All letters and numbers shall be upper case and shall have a height of six (6) inches with the exception of the letters on the official program logo. Letters on the official program logo shall be proportional to the size of the logo.

(2) All letters and numbers shall be standard highway series D or C font.

(3) All letter spacing shall be in accordance with the Federal Highway Administration's Standard Highway Signs and Markings book, latest edition.

(4) The official program logo shall have a maximum size of twelve (12) inches by twelve (12) inches for a square design or twelve (12) inch diameter for a circular design.

(5) The width of the border shall be three quarters (3/4) of an inch.

(6) The radius of the border shall be one and one half (1 1/2 ) inches.

(7) The size of the arrow shall be nine (9) inches wide by six (6) inches tall where the arrow is measured along the arrow's axis (shaft) in a horizontal orientation.

#### F. Arrangement and Size of Sign Assemblies

(1) Each individual business panel will have a maximum height of eighteen (18) inches. The number of business sign panels comprising a sign assembly shall not exceed four (4), for a maximum sign assembly height of seventy-two (72) inches.

(2) The number of sign assemblies approaching an intersection should not exceed three, one for destinations straight ahead, one for destinations to the right and one for destinations to the left.

(3) At intersections where four or fewer businesses are displayed, the straight ahead, left-turn and right turn business panels may be combined on the same sign assembly. Otherwise, the sign panels for straight ahead, left-turn and right turn destinations should be installed on separate sign assemblies.

(4) The left-turn sign assembly should be located farthest from the intersection, then the right-turn destination sign, with the straight-through destination sign located closest to the intersection.

(5) When straight-through, left-turn and right-turn panels are combined to form a single sign assembly, the order of the panels from top to bottom shall be straight-through, left-turn, right-turn.

(6) When multiple business panels in the same direction comprise a sign assembly, the order of panels from top to bottom shall be based on distance from the intersection, with the closest destination occupying the top position.

(7) Where the number of businesses wishing to participate in the program exceeds the number of spaces available, the closest businesses will qualify to participate with the following exception: if the closest twelve (12) businesses are from one category (agritourism or tourism), the oversight committee will have the discretion to place up to four (4) businesses from the other category in the sequence of sign assemblies to promote program diversity.

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(8) The distances used in this determination will be measured from the driveway entrance of the business to the initial intersection where the first directional signs are to be installed.

(9) Pre-notification intersection signs will not be permitted under this program.

### G. Sign Assembly Locations and Placement at Intersections or Driveways

(1) Businesses shall be signed from the last point of turn from the nearest rural primary highway on the state highway system. Businesses having a driveway on a primary route may also be signed on the primary route in advance of the driveway.

(2) Sign assemblies shall be installed in a manner so as not to conflict or obscure the view of existing regulatory, warning, or guide signing in place at an intersection.

(3) Sign assemblies shall be located at least 200 feet prior to an intersection or driveway located on a primary route. If more than one assembly is to be installed, the assemblies shall be spaced at least 200 feet apart and at least 200 feet from any other traffic control device.

(4) The signs shall be installed in compliance with the requirements of the MUTCD. For rural roadways where no sidewalk is present, the signs should be erected within the public right-of-way, but no less than six (6) feet horizontally from the edge of pavement. The vertical distance from the edge of pavement to the bottom of the sign assembly (mounting height) should be a minimum of five (5) feet

(5) For roadways having curb and gutter and sidewalk, the signs should be erected no less than two (2) feet horizontally from the face of curb. In this situation, the mounting height should be no less than seven (7) feet.

(6) Sign assemblies shall be installed with a lateral offset from the edge of pavement equal to or greater than existing signs.

### H. Criteria for Selection of Agritourism-oriented Facility

(1) To be eligible for a business panel, an agritourism-oriented facility shall:

(a) be located in a rural area;

(b) be located on or accessible from a paved rural highway on the state highway system;

(c) offer agricultural activities related to production, harvest, processing, preservation, management, cultural, historical, recreational, educational, entertainment, and commercial activities, services and/or products to the general public;

(d) be unique and local in nature and not part of a chain of businesses having a common name under common ownership and management or under a franchise arrangement;

(e) have a permanent location and the agritourism-oriented activity shall be associated with a permanent building:

1. constructed principally of brick, concrete block, stone, concrete, metal, or wood, or some combination of these materials; or

2. from a mobile home or trailer which the applicant can prove is considered part of the real estate and taxed accordingly;

(f) be open to the public on a regular schedule and have at least one employee attendant at the activity site, performing work and available to the public for at least five (5) days per week, for at least six (6) hours per day (holidays excepted), for at least forty-eight (48) weeks per year; provided, however, that an agricultural operation open on a seasonal basis may be eligible for participation in the program provided it is open for business on a regular schedule with at least one employee attendant at the activity site for at least five (5) days per week, for at least six (6) hours per day (holidays excepted), during the operating season;

(g) post its hours and days of operation at or near the main entrance so that they are visible to the public during closed as well as open hours;

(h) have electricity, running water, restrooms, drinking water, and adequate heating and cooling; provided, however, that this requirement may not apply to seasonal agricultural activities, services or products where it is not practical;

(i) if any general admission is charged, the costs of admission shall be clearly displayed to the prospective visitors at the entrance to the business;

(j) be located within five (5) miles of the intersecting route with a rural state primary highway where the program sign is to be erected;

(k) be an agritourism business qualified to participate in the SC Department of Agriculture promotional programs;

(l) have on-site signage that is visible from the fronting, paved rural highway;

(m) have driveway access from a paved public highway;

(n) provide off street parking accommodations with an exit having sufficient sight distance for motorists to safely enter the fronting roadway;

(o) be open to the general public and not by appointment or reservation only;

(p) to qualify a business shall list its location, operating season and hours, contact information with the Department of Agriculture and have one of the following:

1. a reception structure;
2. a controlled gate;
3. a staffed reception and orientation point; or
4. permanent interpretation panels or displays.

(2) To be eligible for the program, if an agritourism-oriented facility is located on a local paved road and more than one intersection from the nearest state route, the facility shall provide written documentation to ensure that the local government will provide similar directional signs on the right of way of the local system sufficient to guide motorist to the business.

#### I. Criteria for Selection of Qualified Tourism-oriented Facilities

(1) To be eligible for a business panel, a tourism-oriented facility shall:

(a) be located in a rural area;

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(b) be limited to the following services: gas, food, lodging, camping, educational, cultural, recreational, and entertainment activities, or a unique or unusual commercial or non-profit activity;

(c) be a business or facility that derives greater than 50% of its income or total visitors during a normal business season from road users not residing in the area of the business or facility;

(d) meet current compliance with all applicable laws concerning the provision of public accommodation without regard to race, religion, color, age, sex, national origin or lifestyle or laws concerning the licensing and approval of public facilities;

(e) adhere to the safety standards and procedures that apply to the industry to which the operation belongs;

(f) be local in nature, and represent the unique cultural, historical, natural or recreational resources of the area and not be part of a chain of businesses having a common name under common ownership and management or under a franchise arrangement;

(g) be located within five (5) miles of an intersection with a rural primary route on the state highway system where the program sign is to be erected;

(h) have on-site signage that is visible from the fronting, paved rural highway;

(i) be ADA compliant;

(j) have available the following public services: electricity, public restrooms, drinking water, permanent flooring other than dirt, gravel, sand, etc., and adequate heating and cooling;

(k) post hours and days of operation at or near the main entrance so that they are visible to the public during closed as well as open hours;

(l) be open to the general public and not by appointment or reservation only;

(m) unless otherwise stated, be open to the public and have at least one employee attendant at the activity site, performing work and available to the public for at least eight (8) hours a day, for at least six (6) days a week, for a minimum of six (6) months a year;

(n) to qualify a business shall market its location, operating season and hours, contact information and have one of the following:

1. a reception structure;
2. a controlled gate;
3. a staffed reception and orientation point; or
4. permanent interpretation panels or displays.

(o) be willing to provide visitor information for surrounding area and region;

(p) have a driveway access from a paved public highway;

(q) provide off street parking accommodations with an exit having sufficient sight distance for motorists to safely enter the fronting roadway; and

(r) for bed and breakfast lodging, provide a minimum of four (4) sleeping units complete with private bath facilities for each sleeping unit and offer one or more meals to guest in a dining area separate from the sleeping rooms and provide lodging services for at least five (5) nights per week.

(2) To be eligible for the program, if a tourism-oriented facility is located on a local paved road and more than one intersection from the nearest state route, the facility shall provide written documentation to ensure that the local government will provide similar directional signs on the right of way of the local system sufficient to guide motorist to the business.

#### J. Fees, Installation and Maintenance

(1) The cost to the business for participation in the agritourism and tourism-oriented directional sign program shall be determined by the SCDOT . Fees will include a nonrefundable initial participation fee, manufacture fee, installation fee and annual participation fee for each business panel installed. Additional fees shall be assessed to cover/uncover or remove/reinstall signs based on seasonal availability of the business or facility, to maintain signs, or to replace damaged, deteriorated or missing signs.

(2) The SCDOT shall be responsible for all fabrication, installation, routine maintenance, removal and covering of business panels.

(3) The SCDOT shall not be responsible for any damage, deterioration or loss of any business panel.

(4) The SCDOT reserves the right to cover or remove any or all business signs during maintenance or construction operations or for research studies, or whenever deemed by the SCDOT to be in the best interest of the SCDOT or the traveling public without advance notice.

#### K. Application Procedures

(1) The qualifying business shall submit an application to the SCDOT . By submitting an application, the applicant is certifying that all requirements outlined in these regulations have been met. Applications must be submitted on the form available on the SCDOT website. The SCDOT will prescribe the format and content of standard application and agreement forms to be used in the administration of this program.

(2) The application shall include the following documents:

(a) Written affidavit by the business of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color or national origin;

(b) Written certification from the Department of Parks, Recreation and Tourism for tourism-oriented facilities and/or from the Department of Agriculture for agritourism-oriented facilities, that the facilities meet the qualifying criteria set forth above; and

(c) If a business is located on a local paved road and more than one intersection from the nearest state route, the business shall include with its application written documentation from the local government that similar additional signs will be provided on the right of way of the local system sufficient to guide motorist to the business.

If the above information is not included with the application, the application will be returned to the applicant.

(3) The SCDOT will retain the applications until they are reviewed and approved by the oversight committee at its semiannual meetings. The oversight committee shall meet on the second Tuesdays in January and July to review applications received by the SCDOT, or as soon thereafter as possible. The Chairman of the



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committee will arrange the meeting time and location. Meetings may be held virtually or in-person at SCDOT. The approval for each application will be recorded by a majority vote of the members present at the meeting. The Chairman will cast a vote only in the case to break a tie.

(4) Applicants will be notified in writing of being approved or disapproved from program participation. If disapproved, reasons for disapproval will be clearly stated. In the event the application is disapproved, the applicant may request a contested case hearing pursuant to S.C. Code Section 1-23-600 and the rules of procedure for the Administration Law Court.

(5) Once noted deficiencies have been corrected, disapproved applications may resubmitted for consideration at the next oversight committee meeting.

(6) After a business has received approval of its application for participation in the program, a participation agreement, in accordance with these regulations, will be entered into between the SCDOT and the business. Once the participation agreement has been signed by all parties and required fees paid, the SCDOT will have the signs installed within sixty (60) days of receipt of site plan approval by SCDOT. Failure of any check submitted to the SCDOT to be honored upon presentation shall make the agreement void. The applicant may be required to resubmit the agreement and may thereafter be required to submit cash or a certified check for any participation fee or other fee payment.

(7) The SCDOT reserves the right to terminate the program or any portion thereof by furnishing the business written notice of such intent not less than thirty (30) calendar days prior to such action.

(8) If a business, at any time, fails to comply with applicable laws or these rules and regulations, the SCDOT will take the necessary actions to disqualify that business from further participation in the program, except when a business closing is due to damages sustained by fire, accident or similar causes and when the SCDOT is notified in writing within ten (10) days of such closing. In such cases the business sign shall be removed or covered until the business is re-opened.

(9) A sign for a business may be covered by the SCDOT if it is temporarily closed for a period not exceeding thirty (30) days.

(10) The SCDOT shall remove the business panel if the business:

(a) ceases to exist;

(b) fails to pay the annual fee or other specified fees within thirty (30) calendar days of the due date as specified in the participation agreement with the SCDOT;

(c) is temporarily closed for more than thirty (30) days (seasonal closure);

(d) does not meet the requirements stated in these regulations and corrections are not made within thirty (30) days of notification; and

(e) is sold and the new business does not continue as an eligible business.

(11) If the business panel is removed due to the default of the business to perform within the terms of these regulations, the participation agreement between the business and the SCDOT will be terminated. All funds paid to the SCDOT will be forfeited.

(12) Any business that maintains any form of illegal outdoor advertising as determined by the South Carolina Highway Advertising Control Act shall be ineligible to participate in this program until such illegal advertising devices are removed.

(13) Sixty (60) days prior to the annual renewal date for each participating business sign, the SCDOT shall send notification to the Department of Parks, Recreation and Tourism and Department of Agriculture requesting verification of continued eligibility of each business participating in the program. The Department of Parks, Recreation and Tourism and Department of Agriculture shall have twenty (20) days to submit a response to the SCDOT verifying eligibility. Upon SCDOT receipt of the verification, the SCDOT will send fee renewal notices to those businesses remaining eligible to participate in the program.

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

The Department of Transportation estimates that there would be no costs incurred by the State and its political subdivisions in complying with the proposed amendments.

#### **Statement of Rationale:**

The updated regulations will clarify criteria for business in un-annexed properties within municipal boundaries; eligibility of businesses located on primary routes; participation of businesses with seasonal operations; revision to be in compliance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD); and guidance based on current practices agreed upon by the Tourist–Oriented Signage (TODS) Program Oversight Committee.

Document No. 5358  
**DEPARTMENT OF TRANSPORTATION**  
 CHAPTER 63  
 Statutory Authority: 1976 Code Section 57-25-170

63-338. Specific Information Service Signing.

#### **Synopsis:**

S.C. Code Section 57-25-170 authorizes SC Department of Transportation to make regulations necessary for regulation of the specific information service signing or known as the LOGO Program. These regulations are being updated to be in compliance with the new language and requirements of the latest version of the FHWA Manual on Uniform Traffic Control Devices (MUTCD) and to amend the criteria for FOOD sign category to include the requirement of serving prepared food as well as adding reference to SC R.61-25. All references to the Department have been changed to SCDOT.

The Notice of Drafting was published in the *State Register* October 25, 2024.

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

| Section         | Type of Change | Purpose  |
|-----------------|----------------|--|
| R.63-338.A.     | Revision       | Add change the name to business identification sign panel                        |
| R.63-338.C.(1)  | Revision       | Change “Department” to “SCDOT”   |
| R.63-338.C.(2)  | Delete         | Add electric vehicle (EV) charging as a service; change names of panel and SCDOT |
| R.63-338.C.(3)  | Revision       | Change name of panel   |
| R.63-338.C.(4)  | Revision       | Add electric vehicle (EV) charging service; change name of SCDOT and panel       |
| R.63-338.C.(5)  | Revision       | Change name of business panel  |
| R.63-338.C.(6)  | Revision       | Add electric vehicle (EV) charging as service                                    |
| R.63-338.C.(10) | Delete         | Delete (10)  |
| R.63-338.D.(1)  | Revision       | Change name of panel to business identification sign                             |

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|                           |           |   |
|---------------------------|-----------|---|
| R.63-338.D.(3)(3)a.b.     | Revision  | Add electric vehicle (EV) charging and change name of panel   |
| R.63-338.D.(3)d..         | Revision  | Add the attraction signs are limited to 4 panels  |
| R.63-338.D.(4)(5)(6)      | Revision  | Change name of logo sign to business identification sign  |
| R.63-338.D.(7)(9)         | Revision  | Add electric vehicle (EV) charging service  |
| R.63-338.D.(10)           | Revision  | Add electric vehicle (EV) charging spacing criteria   |
| R.63-338.D.(10))          | Revision  | Re-numbered to 11   |
| R.63-338.E.               | Revision  | Changed name of logo sign to business identification  |
| R.63-338.E.(1)            | Revision  | Add electric vehicle (EV) charging service and changed name of logo sign  |
| R.63-338.E.(2)(3)(4)(5)   | Revision  | Changed name of logo panel, change name of Department and added electric vehicle (EV) charging service                              |
| R.63-338.E.(6)            | Revision  | Added criteria for the electric vehicle (EV) charging   |
| R.63-338.F.               | Revisions | Change name of logo sign to business identification sign  |
| R.63-338.G                | Revisions | Change name of logo sign to business identification sign and change name of department  |
| R.63-338.H.               | Revisions | Changed name of logo sign, and changed name of department, added electric vehicle (EV) criteria to trailblazer signs and ramp signs |
| R.63-338.I.(1)            | Revision  | Change name of department   |
| R.63-338.I.(1)(a)         | Deleted   | Delete public telephone   |
| R.63-338.I.(1)(b)         | Revision  | Added electric vehicle (EV) charging criteria   |
| R.63-38.I.(1)(b)(c)(d)(e) | Revision  | Re-numbered to (c)(d)(e)(f)   |
| R.63-338.I.(1)(c)         | Revision  | Added Food panel criteria and deleted public phone  |
| R.63-338.I.(1)(d)(e)      | Deletion  | Deleted public telephone  |
| R.63-338.(1)(f)           | Revision  | Changed name of department  |
| R.63-338.I.(2)            | Revision  | Add electric vehicle (EV) charging service and change name of department  |
| R.63-338.J.and K.         | Revisions | Change name of logo sign and change name of department  |

### Instructions:

Print the regulation as shown below. All other items remain unchanged.

### Text:

#### 63-338. Specific Information Service Signing.

A. Introduction. The South Carolina Department of Transportation has developed this program for the installation of specific service signs and business identification sign panels on fully controlled access highways.

B. Purpose. The purpose of this program is:

(1) To provide motorists with business identification and directional information for essential motorist services and for eligible attractions;

(2) To eliminate illegal outdoor advertising signs as required by the South Carolina Highway Advertising Control Act. 57-25-110, et seq.

#### C. Definitions

(1) SCDOT is the South Carolina Department of Transportation or its authorized agents.

(2) A Specific Service Sign is an official sign, rectangular in shape, located within the highway right-of-way and carrying legend for up to three (3) of the following services: gas, electric vehicle (EV) charging, food, lodging, camping, or attraction along with directional information and space for one (1) to six (6) individual business identification sign panels.

(3) A Business Identification Sign Panel is a separately attached sign, rectangular in shape, mounted on the specific service sign to show the brand or trademark and name, or both, of a qualified motorist service available at or near the next interchange.

(4) A Ramp Sign is an official sign, rectangular in shape, located along an exit ramp and carrying legend for up to three (3) of the following services: gas, EV charging, food, lodging, camping or attraction together with directional information and space for one (1) to six (6) individual business identification sign panels of the same design as business identification sign panels, but smaller.

(5) A Trailblazer Sign is an official sign, rectangular in shape, located on the right of way of a highway with directional arrows and space for one (1) to four (4) individual business identification sign panels of the same design as business identification sign panels, but smaller.

(6) A Business is an individual business that provides gas, EV charging, food, lodging, camping, or attraction services to motorists.

(7) Continuous Operation is the unremitting availability of motorist services within a prescribed number of hours.

(8) Rest Room Facilities are separate facilities for men and women, to include sink and toilet, and available to all motorists at no charge.

(9) Drinking Water is a water fountain and/or cups of water provide to all motorists at no charge.

#### D. Specific Service Signs

(1) A specific service sign bearing one (1) to six (6) separately attached business identification sign panels may be erected on fully controlled access highways between the previous interchange and the exit direction sign where space permits.

(2) The specific service sign nearest to the interchange should be erected no closer than 1600 feet to the beginning of exit ramp taper of the approaching interchange with at least 800 foot spacing between the information signs. The specific service sign should be located longitudinally so as to take advantage of natural terrain and have the least impact on the scenic environment.

(3) No more than two (2) specific service signs for gas, electric vehicle (EV) charging, food, lodging, camping, or attractions shall be erected in each direction approaching an interchange. Where more than six (6) businesses of a specific service type are eligible for logo signing at the same interchange, additional business identification sign panels of the same service may be displayed on the available signs in accordance with the following provisions:

(a) No more than twelve (12) business identification sign panels of a specific service type shall be displayed on no more than two (2) specific service signs.

(b) No more than six (6) business identification sign panels shall be displayed on a single specific service sign.

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(c) The number of specific service signs along an approach to an interchange, shall be limited to a maximum of four (4).

(d) Due to the unique and widely varying characteristics of the services that qualify as attractions and lesser recognition of their business identification signs panels, attraction specific service signs shall have no more than four (4) business identification sign panels.

(4) A combination sign is a specific service sign that may display a maximum of three (3) specific services. The total number of business identification sign panels on a combination sign shall be limited to six (6). If three (3) types of services are displayed on one (1) sign, then the business identification sign panels shall be limited to two (2) for each service type (for a total of six (6) business identification sign panels). If only two (2) types of services are displayed on one (1) sign, then the business identification sign panel shall be limited to either three (3) for each service type (horizontal divider) or four (4) for one (1) service type and two (2) for the other service type (vertical divider). Combination specific service signs may be used to maximize the number of businesses displayed.

(5) The size of specific service signs should be adequate to accommodate the number of business identification sign panels to be erected, using the required legend height and spacing in accordance with the latest SCDOT specifications.

(6) For double exit interchanges the specific service sign shall consist of two sections, one for each exit. The top or left section shall display the business identification sign panels for the first exit and the lower or right section shall display the business identification sign panels for the second exit. Where participation for one exit is less than three (3) businesses for a service, the specific service sign may be arranged to allow for four (4) to six (6) business identification sign panels to be displayed for the other exit. No more than twelve (12) business identification sign panels shall be displayed for any service at an interchange.

(7) The background color of a specific service sign shall be blue with white reflectorized border. The words gas, EV charging, food, lodging, camping or attraction and directional information shall be white reflectorized legend mounted on the blue sign.

(8) Specific service signs shall not be erected at any interchange with another controlled access facility; nor shall they be erected at any interchange where there is no entrance ramp at the interchange or at another reasonably convenient interchange by which the motorist may proceed in the desired direction of travel without undue indirection or use of poor connecting roads.

(9) In the direction of travel, the specific service signs shall be for attractions, camping, lodging, food, EV charging, and gas services, in that order.

(10) Where spacing does not allow for EV charging specific service signs to be located as described above, the EV charging specific service signs shall be located anywhere within the successive specific service sign order where there is adequate spacing between signs.

(11) Attraction signing shall not be used for stand-alone or strip-mall facilities that have the primary purpose of retail sales. Malls, shopping complexes or stores located in close proximity to one another having a unified theme may be eligible for participation if the criteria listed in Section I (e) are met.

### E. Business Identification Sign Panels- Main Roadway

(1) Business identification sign panels, separately attached on a specific service sign shall show the brand or trademark and name, or both, of the gas, EV charging, food, lodging, camping or attraction facility located at or conveniently accessible from an interchange. Nationally, regionally or locally known commercial symbols or trademarks shall be used when applicable. The brand or trademark identification symbol used shall be

reproduced with the colors and general shape consistent with customary use. Any messages, trademarks or brand symbols which interfere with, imitate or resemble an official traffic control device will not be permitted.

(2) Each business identification sign panel on a specific service sign shall be contained in a rectangular background area. Any business identification sign panel that does not display a nationally, regionally or locally known symbol or trademark shall display the business name in legend that contrasts effectively with the background.

(3) If a food business is only open six (6) days a week, it will be required to incorporate into the design of its business identification sign panels a message indicating the day the business is closed. This message shall be legend that says "CLOSED" followed by the day of week the business is closed. The color of the legend shall contrast effectively with the background of the sign business identification sign panel.

(4) Only one business identification sign panel may be shown in each direction of travel for each service provided by a business, even though the business may be accessible from more than one interchange. Signing will be provided at the interchange closest to the business, as determined by the SCDOT .

(5) Where the number of fully qualifying gas, EV charging, food, lodging, camping or attraction businesses exceeds the available spaces on the specific service panels, the SCDOT will solicit bids from all of the qualified businesses. Bid solicitation and selection will be governed by the SCDOT's policies and procedures.

(6) To be eligible for an "EV CHARGING" supplemental message on a business identification sign panel, the business shall:

(a) Offer electric vehicle charging to the general public without purchasing the primary service (gas, food, lodging, camping, or attraction as appropriate); and

(b) For the service categories of gas, food, and attraction, provide EV chargers meeting the criteria for Direct Current Fast Chargers (DCFC) provided in 23 CFR 680.106;

(c) For the service categories of camping and lodging, provide EV chargers meeting the criteria for DCFC provided in 23 CFR 106 and /or AC legal 2 Charging.

#### F. Ramp Signs

(1) When the SCDOT determines that any participating business is not visible from the terminal or decision point of a ramp which permits traffic to proceed in more than one direction on the crossroad, a ramp sign shall be placed on the exit ramp or at its terminus.

(2) Ramp signs shall not be erected for businesses not displaying business identification sign panels on a specific service sign.

(3) A ramp combination sign is a ramp sign that may display a maximum of three (3) specific services. The total number of ramp business identification sign panels on a ramp combination sign shall be limited to six (6).

(4) Ramp signs will be of an appropriate size to display the required number of ramp business identification sign panels.

(5) The background color of a ramp sign shall be blue with white reflectorized border. The words gas, EV charging, food, lodging, camping or attraction and directional information shall be in white reflectorized legend mounted on the blue sign.

#### G. Trailblazer Signs

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(1) When the SCDOT determines that the route to a business requires a direction change, it is questionable as to which roadway to follow, or when additional guidance is needed, a trailblazer panel may be placed along a crossroad up to 500 feet prior to any required turn.

(2) Trailblazer signs will be of an appropriate size to display the required number of trailblazer business identification sign panels.

(3) The background color of a trailblazer signs shall be blue with white reflectorized border. White reflectorized directional arrows shall be mounted on the blue sign as needed for proper guidance.

(4) Trailblazer signs shall not be erected for businesses not displaying business identification sign panels on a specific service sign and a ramp sign.

(5) A trailblazer sign may contain various types of services on a single panel.

(6) When space along the right-of-way limits the number of signs or panels that can be erected, all other SCDOT signing shall take priority over trailblazer signs.

### H. Business Identification Sign Panels - Ramp and Trailblazer

(1) Ramp and trailblazer business identification sign panels shall be of the same design as business identification sign panels, but smaller.

(2) Each business identification sign panel mounted on a ramp sign and trailblazer sign shall be contained in a rectangular background area. Any business identification sign panel which does not display a nationally, regionally or locally known symbol or trademark shall display the business name legend which contrasts effectively with the background.

(3) If a food business is only open six (6) days a week, it will be required to incorporate into the design of its business identification sign panel a message indicating what day the business is closed. This message shall say "CLOSED" followed by the day of week the business is closed. The color of the legend shall contrast effectively with the background of the business identification sign panel.

(4) To be eligible for an "EV CHARGING" supplemental message on a business identification sign panel, the business shall:

(a) Offer electric vehicle charging to the general public without purchasing the primary service (gas, food, lodging, camping, or attraction, as appropriate); and

(b) For the service categories of gas, food, and attraction, provide EV chargers meeting the criteria for Direct Current Fast Chargers (DCFC) provided in 23 CFR 680.106; or

(c) For the service categories of camping and lodging, provides EV chargers meeting the criteria for DCFC provided in 23 CFR 680.106 and/or AC Level 2 Charging.

### I. Criteria

(1) A business located at or conveniently accessible from an interchange on a fully controlled access highway shall be eligible to have its business identification sign panel placed on a specific service sign, a ramp sign, and on a trailblazer sign (but in accordance with Section F(1) and G(1)) if it meets the following conditions:

(a) Gas:

1. Located within three (3) miles of the interchange;
2. Vehicle services shall include fuel, oil and water;
3. Continuous operation at least sixteen (16) hours per day, seven (7) days a week;
4. Rest room facilities;
5. Drinking water.

(b) Electric Vehicle (EV) Charging:

1. Located within three (3) miles of the interstate;
2. Meet criteria for Direct Current Fast Chargers provided in 23 CFR 680.106;
3. Continuous operation at least sixteen (16) hours per day, seven (7) days a week.

(c) Food:

1. Located within three (3) miles of the interchange;
2. Must serve prepared food and maintain a “Grade A” rating as defined by the South Carolina Code of Regulations, Section 61-25;
3. Continuous operation at least twelve (12) hours a day, six (6) days a week;
4. Rest room facilities;
5. Indoor seating capacity for at least twenty (20) persons and/or drive-thru service.

(d) Lodging:

1. Located within three (3) miles of the interchange;
2. Continuous operation, twelve (12) months per year;
3. At least ten (10) lodging rooms.

(e) Camping:

1. Located within six (6) miles of the interchange;
2. Permit to operate by the appropriate state agency;
3. Modern sanitary facilities including restrooms and showers;
4. Drinking water;
5. Overnight accommodations for all types of travel trailers, tents and camping vehicles;
6. Adequate parking accommodations for at least ten (10) camping vehicles;



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7. Continuous operation, seven (7) days a week;
8. If operated on a seasonal basis, signs will be removed.

(f) Attraction:

1. Located within fifteen (15) miles of the interchange;
2. Be an activity or location that is one of the following:

(i) Amusement Park: a permanent area, open to the general public, whose principle activities include boating, entertainment rides, swimming, etc.;

(ii) Arena: an auditorium, civic or convention center, racetrack, sports complex, or stadium having a minimum seating capacity of 5,000;

(iii) College or University Facilities: an institution that is approved by a nationally recognized accreditation agency, has an enrollment of at least 500 fulltime students, and grants degrees;

(iv) Commerce Park: a group of commercial manufacturing or research facilities;

(v) Cultural Center: a facility for cultural events;

(vi) Facility Tour Location: a facility such as a factory, institution, or plant which conducts daily or weekly public tours on regular scheduled basis year-round;

(vii) Fairground: a tract of land where fairs or exhibitions are held and which has permanent buildings including, but not limited to, bandstands, exhibition halls, livestock exhibition pens, etc.;

(viii) Historical Site or District: a structure or area listed on the national or state historical register and recognized by the SCDOT as a historic attraction or location. Historic districts shall provide the public with a single, central location, such as a self-service kiosk or welcome center, where motorists can obtain information regarding the district;

(ix) Recreational Area: a recreational attraction recognized by the SCDOT including, but not limited to, bicycling, boating, fishing, hiking, picnicking, or rafting;

(x) Natural Phenomenon: a naturally occurring area which is of outstanding interest to the general public, such as a waterfall or a cavern;

(xi) Visitor Information Center: visitor information centers other than those operated by the South Carolina Department of Parks, Recreation and Tourism must meet the criteria outlined by the SCDOT;

(xii) Zoological/Botanical Park: a facility in which living animals or plants are kept and exhibited to the public;

(xiii) Malls/Shopping Areas: a shopping mall must have a minimum enclosed, climate-controlled shopping area of 400,000 square feet. A shopping area must consist of a group of ten (10) or more enclosed, climate-controlled retail establishments located in close proximity to one another and having a unified theme carried out by individual shops in their architectural design or their merchandise.

3. Maintain regular hours for that type of establishment;

4. Public restrooms;

5. Adequate parking accommodations.

(2) Where space is available on an existing gas, EV charging, food or lodging specific service sign, distances for participation may be extended to a total of six (6) miles from the interchange. Extension of distances will be at the sole discretion of the SCDOT and will be measured as described in Section I (3). In all instances, businesses meeting all of the provisions of Section I will be given first priority.

(3) In determining distances from the interchange, roadway mileages are to be used, measured from the off-ramp terminal (where the off-ramp intersects the crossing road or frontage road) nearest to the business under consideration. The measurement shall begin where the left edge of the off-ramp pavement intersects the near edge of the crossing road pavement. If the off-ramp terminal is channelized, the measurement shall begin at the intersection portion of the terminal nearest to the business under consideration.

(a) For gas, EV charging, food, lodging, and attractions the measurement will terminate at the main entrance of the building where payment is received for services rendered.

(b) For camping facilities, the distance will be measured to the registration office on the property of the camping facility.

#### J. Installation and Maintenance

(1) The cost to the business for participation in the specific service signing program shall be determined by the SCDOT based on each business identification sign panel installed based upon interchange classification. Additional participation fees may be charged for installation, covering maintenance or replacement of business identification sign panels. Fees may be charged for each occurrence.

(2) All business identification sign panels will be furnished to the SCDOT by the business at no cost to the SCDOT and shall be manufactured to the standard specifications and approved design of the SCDOT . Business identification sign panels not meeting the specifications shall not be used.

(3) The SCDOT shall be responsible for all required installation, routine maintenance, removal and placement of business identification sign panels upon the specific service and ramp signs.

(4) The SCDOT shall not be responsible for any damage, deterioration or loss of any business identification sign panel. The business shall be responsible for furnishing replacement business identification sign panels to the SCDOT .

#### K. General Provisions

(1) Upon application to participate in the specific service signing program, a business shall give written assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color or national origin.

(2) If a business, at any time, fails to comply with applicable laws or these rules and regulations, the SCDOT will take the necessary actions to remove the business identification sign panels and disqualify that business from further participation in the program, except when a business closing is due to damages sustained by fire, accident or similar causes and when the SCDOT is notified in writing within ten (10) days of such closing. In such cases the business identification sign panel shall be removed or covered until the business is re-opened.

## **554 FINAL REGULATIONS**

(3) Any business that maintains any form of illegal outdoor advertising as determined by the South Carolina Highway Advertising Control Act shall be ineligible to participate in this program until such illegal advertising devices are removed.

(4) The SCDOT reserves the right to cover or remove any or all business identification sign panels during maintenance or construction operations or for research studies, or whenever deemed by the SCDOT to be in the best interest of the SCDOT or the traveling public without advance notice. The SCDOT reserves the right to terminate the program or any portion thereof by furnishing the business written notice of such intent not less than thirty (30) calendar days prior to such action.

(5) The SCDOT will prescribe the format and content of standard application and agreement forms to be used in the administration of this program.

(6) After a business has received approval of its application for participation in the program, an agreement, in accordance with these regulations, will be entered into between the SCDOT and the business. Designs for the business identification sign panels should be submitted, if required, for approval as soon as possible upon application.

### **Fiscal Impact Statement:**

The Department of Transportation estimates that there would be no costs incurred by the State and its political subdivisions in complying with the proposed amendments.

### **Statement of Rationale:**

The updated regulations will add electric vehicle (EV) charging requirements on panels, reduce the number of attraction business on panels; eliminate the public phone requirement, and bring the regulation in compliance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD).