

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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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.

2026 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	1/9	2/13	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/23	2/27	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

REPRODUCING OFFICIAL DOCUMENTS

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

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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-ten 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-ten-day review period, the regulation is approved on the one-hundred-tenth 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>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
5342	SR50-2		Residential Treatment Facilities for Children and Adolescents	01/25/2026	Department of Public Health	Regs, Admin. Proc., AI & CS	Medical Affairs
5319	SR50-2		Sign Language Interpreters	02/01/2026	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5370	SR50-4		Honey Bees	03/29/2026	Clemson University	Regs, Admin. Proc., AI & CS	Ag and Nat Resources
5371			Defined Program, Grades 9-12 and Graduation Requirements	05/02/2026*	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5373			General Retention Schedule for Data Processing Records of State Agencies/Institutions	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5374			General Retention Schedule for State Personnel Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5375			General Retention Schedules for County Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5376			General Retention Schedules for Municipal Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5377			General Retention Schedule for Electronic Records Common to Most State Agencies/Institutions	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5378			General Retention Schedule for State Administrative Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5379			General Retention Schedule for State Colleges and Universities	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5380			General Retention Schedule for State Financial Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5381			General Retention Schedules for School Districts	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5402			Charter Schools	05/03/2026	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5403			Test Security	05/03/2026	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5393			Non-interest Bearing Negotiable Order of Withdrawal (NINOW) Accounts by State-chartered Savings and Loan Associations	05/03/2026	State Board of Financial Institutions	Regs, Admin. Proc., AI & CS	Banking and Insurance
5405			Palmetto Fellows Scholarship Program	05/03/2026	State Commission on Higher Education	Regs, Admin. Proc., AI & CS	Education
5406			Use of the State Aviation Fund; Procedure for Protection of Public Investment in Airports	05/03/2026	South Carolina Aeronautics Commission	Regs, Admin. Proc., AI & CS	Transportation
5413			Regulations on Allocation of State Ceiling on Issuance of Private Activity Bonds	05/03/2026	State Fiscal Accountability Authority	Regs, Admin. Proc., AI & CS	Finance
5399			Fees for Licensure of Genetic Counselors	05/03/2026	LLR	Regs, Admin. Proc., AI & CS	Medical Affairs
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5424			International Building Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5426			International Fire Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5427			International Fuel Gas Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5428			International Mechanical Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
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*Revised 120-Day Review Expiration Date for Automatic Approval to 110-Day Review Expiration Date per S.164

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5432	Division for the Review of the Foster Care of Children	05/03/2026	Office of the Governor-Division for the Review of the Foster Care of Children	Regs, Admin. Proc., AI & CS	Family and Veterans' Services
5439	Shellfish Permit Applications	05/03/2026	Department of Natural Resources	Regs, Admin. Proc., AI & CS	Fish, Game and Forestry
5440	Verifiable Documentation	05/03/2026	Department of Natural Resources	Regs, Admin. Proc., AI & CS	Fish, Game and Forestry
5407	Standards for Licensing In-Home Care Providers	05/03/2026	Department of Public Health	Regs, Admin. Proc., AI & CS	Medical Affairs
5416	International Plumbing Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5419	South Carolina Board of Long Term Health Care Administrators	05/03/2026	LLR-South Carolina Board of Long Term Health Care Administrators	Regs, Admin. Proc., AI & CS	Medical Affairs
5420	Board of Accountancy	05/03/2026	LLR-Board of Accountancy	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5422	State Board of Pharmacy	05/03/2026	LLR-State Board of Pharmacy	Regs, Admin. Proc., AI & CS	Medical Affairs
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5408	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	05/03/2026	Department of Public Health	Regs, Admin. Proc., AI & CS	Medical Affairs
5412	Parking and Transportation Services	05/04/2026	University of South Carolina	Regs, Admin. Proc., AI & CS	Education
5433	Parking and Traffic Regulations – Golf Carts	05/05/2026	Clemson University	Regs, Admin. Proc., AI & CS	Education
5431	Self-Insurers' Proof of Compliance, Irrevocable Letter of Credit	05/10/2026	SC Workers' Compensation Commission	Regs, Admin. Proc., AI & CS	Judiciary
5430	Filing a Claim	05/10/2026	SC Workers' Compensation Commission	Regs, Admin. Proc., AI & CS	Judiciary
5443	Determination of Rates of Tuition and Fees	01/27/2027	State Commission on Higher Education	Regs, Admin. Proc., AI & CS	Education
5436	Insurance Holding Company Systems	02/25/2027	Department of Insurance	Regs, Admin. Proc., AI & CS	Banking and Insurance
5434	Closeout and Termination of the SCAAIP	02/25/2027	Department of Insurance	Regs, Admin. Proc., AI & CS	Banking and Insurance
5447	Exempt Commercial Policies	02/25/2027	Department of Insurance	Regs, Admin. Proc., AI & CS	Banking and Insurance
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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
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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
Committee Request Withdrawal					
5314	Regulations for the Licensing of Child Care Centers	Tolled	Department of Social Services	Regs, Admin. Proc., AI & CS	Family and Veterans' Services

Permanently Withdrawn

5366 Procedures and Standards for Review of Charter School Applications

State Board of Education

Regs, Admin. Proc., AI & CS Education

4 EXECUTIVE ORDERS

Executive Order No. 2026-04

WHEREAS, on March 16, 2026, certain portions of the State of South Carolina experienced severe weather conditions, including extreme thunderstorms and high winds; and

WHEREAS, due to these hazardous weather conditions and the resulting impacts, state government offices in several counties throughout the State operated on an abbreviated schedule on March 16, 2026, to ensure the safety of state employees and the general public; and

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

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

Section 1. Authorizing Leave with Pay Due to Severe Weather

A. I hereby authorize leave with pay for affected state employees, as set forth below, who were absent from work during the aforementioned hazardous weather conditions, and in accordance with the directive for state government offices, with the exception of state government offices located in Richland and Lexington Counties, to follow county government closure determinations, in the following counties or offices on March 16, 2026:

Closed: Allendale County, Darlington County, Dillon County, Marlboro County, Williamsburg County.

Abbreviated Schedule: Kershaw County (closed at 12:00 p.m.), Marion County (closed at 11:00 a.m.).

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

C. This Order is effective immediately.

EXECUTIVE ORDERS 5

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 17th DAY OF MARCH, 2026.

**HENRY DARGAN MCMASTER
Governor**

Executive Order No. 2026-05

WHEREAS, the undersigned has been notified that a vacancy will exist in the office of Treasurer of Bamberg County due to the resignation of Alice P. Johnson, effective May 1, 2026; and

WHEREAS, in the event of a vacancy in the office of a county treasurer, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as county treasurer pursuant to sections 1-3-220(2), 4-11-20(1), and 12-45-20 of the South Carolina Code of Laws, as amended; and

WHEREAS, Candace B. Fralix, of Ehrhardt, South Carolina, is a fit and proper person to serve as Treasurer of Bamberg County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Candace B. Fralix to serve as Treasurer of Bamberg County, effective May 1, 2026, until a successor shall qualify as provided by law. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 27th DAY OF MARCH, 2026.

**HENRY DARGAN MCMASTER
Governor**

Executive Order No. 2026-06

WHEREAS, the undersigned has been notified that there presently exists a vacancy in the office of Judge of Probate for Lexington County due to the resignation of Daniel R. Eckstrom; and

WHEREAS, in the event of a vacancy in the office of a county judge of probate, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as judge of probate pursuant to sections 1-3-220(2), 4-11-20(1), and 14-23-50 of the South Carolina Code of Laws, as amended; and

WHEREAS, Julie H. Thompson, of Lexington, South Carolina, is a fit and proper person to serve as Judge of Probate for Lexington County; and

WHEREAS, on March 31, 2026, the Senate confirmed Julie H. Thompson to serve as Judge of Probate for Lexington County pursuant to section 14-23-50 of the South Carolina Code of laws.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Julie H. Thompson to serve as Judge of Probate for Lexington County, effective March 31, 2026, until her successor is appointed or elected and qualified as provided by law. This Order is effective immediately.

6 EXECUTIVE ORDERS

GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 2nd DAY OF APRIL, 2026.

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2026-07

WHEREAS, the undersigned has been notified that there presently exists a vacancy on Dorchester County Council, in the seat of District 6, due to the resignation of William Hearn; and

WHEREAS, pursuant to section 4-9-90 of the South Carolina Code of Laws, as amended, vacancies occurring on the governing body of a county are generally “filled in the manner of original election for the unexpired terms in the next general election after the vacancy occurs or by special election if the vacancy occurs one hundred eighty days or more prior to the next general election”; and

WHEREAS, a special election for the aforementioned office is scheduled to be held on May 26, 2026, in accordance with section 7-13-190(B)(2) of the South Carolina Code of Laws, as amended, which provides that for special elections to fill a vacancy in office, “[t]he special election must be on the twentieth Tuesday after the vacancy occurs”; however, “[i]f the twentieth Tuesday after the vacancy occurs is no more than sixty days prior to the general election, the special election must be held on the same day as the general election”; and

WHEREAS, the Dorchester County Board of Elections and Voter Registration has confirmed that Frankie Staropoli, who prevailed in a primary election conducted on March 24, 2026, is presently unopposed in the aforementioned special election for the seat of District 6 of Dorchester County Council; and

WHEREAS, absent prior action by the undersigned, a vacancy will remain in the office of the seat of District 6 of Dorchester County Council such that the residents thereof will be without representation in said office pending the results of the May 26, 2026 special election, which is now uncontested, and qualification of a successor to serve for the remainder of the unexpired term; and

WHEREAS, in the event of a vacancy in a county office, the undersigned is authorized, pursuant to sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended, to appoint a suitable person, who shall be an elector of the county, to serve in such office until a successor shall qualify as provided by law; and

WHEREAS, no legal impediments would prohibit Frankie Staropoli from serving in the office of the seat of District 6 of Dorchester County Council; and

WHEREAS, for the aforementioned reasons, and in accordance with the cited authorities and other applicable law, the undersigned has determined that it is appropriate under the circumstances presented to appoint a suitable person to serve in the office of the seat of District 6 of Dorchester County Council until a successor shall qualify as provided by law, *see Op. Att’y Gen.*, 1996 WL 599395, at *1 (S.C.A.G. Sept. 9, 1996); *see also Bradford v. Byrnes*, 221 S.C. 255, 262, 70 S.E.2d 228, 231 (1952) (“As nature abhors a void, the law of government does not ordinarily countenance an *interregnum*.”); and

WHEREAS, Frankie Staropoli of Summerville, South Carolina, is a fit and proper person to serve in the office of the seat of District 6 of Dorchester County Council.

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

EXECUTIVE ORDERS 7

hereby appoint Frankie Staropoli to serve in the office of the seat of District 6 of Dorchester County Council, effective April 7, 2026, until a successor shall qualify as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 7th DAY OF APRIL, 2026.**

**HENRY DARGAN MCMASTER
Governor**

8 NOTICES

DEPARTMENT OF ENVIRONMENTAL SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC COMMENT PERIOD FOR SOUTH CAROLINA 2026 ANNUAL MONITORING NETWORK PLAN

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

The South Carolina Department of Environmental Services (Department) is publishing this Notice of General Public Interest to provide opportunity to comment on the proposed 2026 South Carolina Annual Ambient Air Monitoring Network Plan (Network Plan) to meet obligations to the U.S. Environmental Protection Agency (EPA). This notice also provides documentation of the establishment and maintenance of an air quality surveillance system that consists of a network of state or local air monitoring stations (SLAMS) that includes federal reference method (FRM) and federal equivalent method (FEM) monitors that are part of SLAMS, national core multipollutant monitoring stations (NCore), chemical speciation network (CSN), and special purpose monitor (SPM) stations. The proposed Network Plan includes a statement of whether the operation of each monitor meets the requirements of Appendix E of Title 40, Part 58, Ambient Air Quality Surveillance, of the Code of Federal Regulations (40 CFR 58). As part of this Network Plan, the Department is also including an annual assessment as required under 40 CFR 51.1205(b) for those facilities that demonstrated attainment with the 1-hr Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) as part of the Data Requirements Rule (DRR) using modeled emission rates that were less than the maximum permit allowable rates. The Network Plan is available for public inspection and comment for 30 days prior to submission to the EPA to include any received comments. To be considered, the Department must receive comments no later than 5:00 p.m. on May 26, 2026, the close of the comment period.

The Department is also providing the interested public with the opportunity to request a public hearing on the Network Plan. If requested, the Department will hold a public hearing on June 3, 2026, at 10:00 a.m., in Room 2151 of the Sims Building, 2600 Bull Street, Columbia, South Carolina. Pursuant to 40 CFR 51.102, if the Department does not receive a request for a public hearing by the close of the comment period, 5:00 p.m. on May 26, 2026, the Department will cancel the public hearing. If the public hearing will be held remotely using an alternative method, or if the Department cancels the public hearing, then the Department will notify the public and provide instructions for accessing any remote public hearing (if a hearing is requested) at least one week prior to the scheduled hearing via the Department's Public Notices webpage: <https://epermitting.des.sc.gov/ext/ncore/external/publicnotice/search>. Interested persons may also contact Siena Kelly, Air Regulation and Data Analysis Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; via phone at (803) 898-3822; or email at siena.kelly@des.sc.gov for more information or to find out if the Department will hold the public hearing. A copy of the proposed 2026 South Carolina Annual Ambient Air Monitoring Network Plan is also located on the Department's Public Notices webpage: <https://epermitting.des.sc.gov/ext/ncore/external/publicnotice/search>.

Synopsis:

In October 2006 and in April 2016, the EPA published requirements for an annual monitoring network plan. This Network Plan, as required and described in 40 CFR Part 58.10, Annual Monitoring Network Plan and Periodic Network Assessment, must contain the following information for each monitoring station in the network:

1. The Air Quality System (AQS) site identification number (ID) for existing stations,
2. Location of each monitoring station, including street address and geographical coordinates,

3. The sampling and analysis method used for each measured parameter,
4. The operating schedule for each monitor,
5. Any proposal to remove or relocate a monitoring station within a period of eighteen months following the network plan submittal,
6. The monitoring objective and spatial scale of representativeness for each monitor,
7. The identification of any sites that are suitable for comparison against the Particulate Matter less than 2.5 microns (PM_{2.5}) NAAQS, and
8. The Metropolitan Statistical Area (MSA), Core-Based Statistical Area (CBSA), Combined Statistical Area (CSA), or other area represented by the monitor.

Any network modifications to SLAMS networks are subject to the approval of the EPA Regional Administrator, who shall approve or disapprove the plan within 120 days of submission of a complete plan to the EPA. This 2026 South Carolina Annual Ambient Air Monitoring Network Plan covers the eighteen-month period from July 1, 2026, through December 31, 2027, and includes all anticipated modifications to the monitoring network.

The DRR annual assessment includes, for the applicable facilities, a comparison of the actual SO₂ emissions at each facility versus the SO₂ emissions included in the 1-hr SO₂ modeling demonstration and a determination as to whether the modeling performed for the DRR is still adequate to demonstrate attainment with the 1-hr SO₂ NAAQS.

DEPARTMENT OF ENVIRONMENTAL SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

SCDES-Bureau of Land and Waste Management, File # 57845
Ladson Oakbrook Shopping Center Site

NOTICES OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD

PLEASE TAKE NOTICE that the South Carolina Department of Environmental Services (SCDES) intends to enter into a Voluntary Cleanup Contract (VCC) with Oakbrook Shopping Center LLC (Oakbrook). The VCC provides that Oakbrook, with SCDES's oversight, will fund and perform future response actions at the Ladson Oakbrook Shopping Center facility located in Dorchester County at 4488-4558 Ladson Road, Summerville, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

Response actions addressed in the VCC include, but may not be limited to, Oakbrook funding and performing a remedial investigation and, if necessary, an evaluation of cleanup alternatives for addressing any contamination. Further, Oakbrook shall reimburse the SCDES's future costs of overseeing the work performed by Oakbrook and other SCDES response costs pursuant to the VCC.

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). Notices of contribution protection and comment period will be provided to other known potentially responsible parties. The VCC is available:

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- (1) On-line at <https://apps.des.sc.gov/PublicNotices/>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or elisa.vincent@des.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than May 26, 2026, and addressed to: Elisa Vincent, SCDES-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, Oakbrook will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, Oakbrook shall be deemed to have resolved their liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, Oakbrook may seek contribution from any person who is not a party to this administrative settlement.

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

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC HEARING OCCUPATIONAL SAFETY AND HEALTH STANDARDS

South Carolina Department of Labor, Licensing, and Regulation (SCDLLR) does hereby give notice under Section 41-15-220, SC Code of Laws, 1976, as amended, that a public hearing will be held at 10:00 AM on May 21, 2026 at 121 Executive Center Drive, Suite 200, Columbia, SC 29210. Interested persons will be given the opportunity to appear and present their views on the occupational safety and health standards being considered for adoption.

The hearing is to determine if the Director of the SCDLLR will promulgate rules and regulations pursuant to Section 41-15-210, SC Code of Laws, 1976. The standards being revised and considered for adoption are Article 1, Subarticle 6, Sections 1910.6, Incorporation by Reference and 1910.1200, Hazard Communication Standard.

OSHA is correcting several inadvertent errors in its Hazard Communication Standard (HCS). The errors relate to the HCS final rule published in the Federal Register on May 20, 2024. On October 9, 2024, the agency issued a corrections notification and technical amendment to correct errors in that final rule which the agency believed could lead to confusion during the classification process or errors on labels and Safety Data Sheets (SDSs) if not expeditiously corrected. Following publication of the October 9, 2024 corrections notification and technical amendment, OSHA continued its review of the regulatory text and identified additional minor and typographical errors in the regulatory text and appendices to the HCS. OSHA is issuing a correction document to address additional minor errors. OSHA is also making one technical amendment to an appendix of the HCS unrelated to the May 20, 2024 final rule.

Additionally, on January 15, 2026, OSHA announced a four-month extension for compliance with the revised Hazard Communication Standard (HCS 2024), officially moving the initial manufacturer deadline from January 19, 2026, to May 19, 2026. This delay provides more time for industry to prepare for updated classification, labeling, and SDS requirements, allowing companies to use either the 2012 or 2024 standards during the transition period.

The updated standard will improve the standard's effectiveness by better informing employees about chemical hazards in the workplace. This final rule will increase worker protections and reduce the incidences of

chemical-related occupational illnesses and injuries by further improving the information on the labels and safety data sheets for hazardous chemicals. The final rule will also address issues arising since implementation of the 2012 standard and improve alignment with other federal agencies and Canada.

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

Persons desiring either to speak at the hearing or to have their views submitted on the record if they cannot appear, must file with the Director of the SCDLLR either a notice of intention to appear or a summary of their views on the matter, no later than May 14, 2026.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF GENERAL PUBLIC INTEREST

With the advice of the South Carolina State Health Planning Committee, the Department of Public Health (Department) has prepared a draft of the South Carolina Health Plan for use in the administration of the Certificate of Need Program. Interested persons may submit written comments to the SC Department of Public Health, Certificate of Need Program, PO Box 2046, West Columbia, SC 29171; CONinfo@dph.sc.gov ; or the Certificate of Need Comment Form. To be considered, the Department must receive comments no later than 5:00 p.m. on May 15, 2026, the close of the comment period.

The draft South Carolina Health Plan is available for review at https://dph.sc.gov/sites/scdph/files/2026-04/2026_SHP_Chapter_Narratives_Charts_Draft_for_Committee_20260325.pdf

The Department will be conducting public hearings pursuant to S.C. Code § 44-7-180(C) to allow public review and comment regarding the draft of the South Carolina Health Plan. A court reporter will be present at each public hearing for anyone wishing to make a public comment. It is recommended, but not required, that anyone wishing to make a comment bring a written version of their comment for the court reporter. The Department will conduct these public hearings *beginning at 10:30 a.m.* at the locations listed below according to the following schedule and agenda:

Public Hearing Schedule

Date	Address
Tuesday, May 5, 2026	North Charleston Health Department 3685 Rivers Avenue N. Charleston, SC 29405
Wednesday, May 6, 2026	Spartanburg Health Department 120 Dillon Drive Spartanburg, SC 29307

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Wednesday, May 13, 2026	SC Health Campus, Room E171 400 Otarre Parkway Cayce, SC 29033
Thursday, May 14, 2026	Florence Health Department 145 East Cheves Street Florence, SC 29506

Public Hearing Agenda

Call to Order at 10:30 a.m.
Introduction of Certificate of Need (CON) Team and Other DPH Employees
DPH Presentation
Explanation of the Public Hearing Process
Receipt of Public Comment
Adjournment

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, and Regulation 60-15, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **April 24, 2026**, 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.

Affecting Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York Counties

Allied Nurses, LLC

The establishment of a Specialty Home Health Agency limited to nursing services and related home health services in Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York Counties at a total project cost of \$38,000.00. (Restricted)

Affecting Berkeley and Dorchester Counties

99ONE Healthcare, LLC d/b/a BrightStar Care of Charleston

The establishment of a Home Health Agency in Berkeley and Dorchester Counties at a total project cost of \$0.00.

Affecting Clarendon, Lee, and Sumter Counties

Providers Home Care

The establishment of a home health agency in Clarendon, Lee, and Sumter Counties at a total project cost of \$20,000.00.

Affecting Kershaw, Lexington, Richland, and Sumter Counties**Infinite Care Solutions, LLC**

The establishment of a home health agency in Kershaw, Lexington, Richland, and Sumter Counties at a total project cost of \$85,000.00.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and Regulation 60-15, 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 **April 24, 2026**. “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.

Affecting Charleston County**Trident Medical Center, LLC d/b/a HCA Healthcare Trident Hospital***

The change of classification of 4 medical/surgical beds to 4 inpatient rehabilitation beds for a total of 246 medical/surgical beds, 38 ICU/CCU beds for a total of 284 hospital beds and 28 inpatient rehabilitation beds at a total project cost of \$374,488.00.

*Amended project description.

14 DRAFTING NOTICES

DEPARTMENT OF ENVIRONMENTAL SERVICES CHAPTER 61

Statutory Authority: 1976 Code Sections 30-4-45, 48-6-10 et seq., 2022 Act No. 119, Section 5, effective January 27, 2022, and 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The South Carolina Department of Environmental Services (SCDES) proposes amending R.61-107.20, Solar Energy Systems, and R.61-117, Access to Restricted Information. Interested persons may submit comments on the proposed amendments to Holly Randolph of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at holly.randolph@des.sc.gov. To be considered, SCDES must receive comments no later than 5:00 p.m. on May 26, 2026, the close of the Notice of Drafting comment period.

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 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 proposes amending R.61-107.20, Solar Energy Systems, and R.61-117, Access to Restricted Information, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

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

DEPARTMENT OF ENVIRONMENTAL SERVICES 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

Notice of Drafting:

The South Carolina Department of Environmental Services (Department) proposes amending R.30-1, Statement of Policy, R.30-2, Applying for a Permit, and R.30-12, Special Project Standards for Tidelands and Coastal Waters. Interested persons may submit comment(s) on the proposed amendments to Liz Hartje of the Bureau of Coastal Management; South Carolina Department of Environmental Services, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405; Liz.Hartje@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on May 26, 2026, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Section 48-39-50, the Department is charged with promulgation of rules and regulations in order to carry out the provisions of the chapter, including reviewing applications to alter and/or utilize the critical areas of the State. The Department implements the policies of the S.C. Coastal Zone Management Act (S.C. Code Sections 48-39-10 et seq.) and the Coastal Division Regulations to promote 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.

Over the past several decades, South Carolina's coast has experienced significant population growth and development, including a proliferation of private docks, leading to navigation, access, and natural resource impacts and challenges. Additionally, existing dock regulations, first established in 1978 and amended several times since, currently include a number of calculation factors for determining allowable dock square footage. In 2025, the Department convened the South Carolina Dock Stakeholder Workgroup to gain input and diverse perspective on these challenges and the existing regulatory standards and policies related to private docks. Based in part on recommendations and key findings of the Workgroup, the Department proposes to amend R.30-1.D(50) and R.30-12.A(2), to streamline standards applicable for the construction of private and joint use docks and to improve clarity and guidance for staff and the regulated community.

The Department also proposes amending R.30-2.H to separate the 401 Water Quality Certification administered by the Department's Bureau of Water from the Critical Area Permitting process. Currently, if an activity requires both a Section 401 Water Quality Certification and Critical Area Permit from the Department, the Critical Area Permit serves as the 401 Water Quality Certificate for an associated federal permit. Removing this requirement will allow for a more streamlined review process, include a more efficient public notice and permit decision, and assist with meeting timeframes for application reviews by both the 401 Water Quality Certification and Critical Area Permitting programs.

The proposed amendments may also include 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.

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

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

Notice of Drafting:

The South Carolina Department of Environmental Services (Department) proposes amending S.C. Code Ann. Regs. 61-101, Water Quality Certification (R.61-101), Section A, Number 8. Interested persons may submit comment(s) on the proposed amendments to Chuck Hightower of the Bureau of Water; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; Charles.Hightower@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on May 26, 2026, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to Section 401 of the Clean Water Act (CWA), 33 U.S.C. Section 1341, any applicant for a Federal license or permit to conduct any activity which during construction or operations may result in any discharge to navigable waters is required by Federal law to first obtain a certification from the Department. The Department proposes amending R.61-101, Water Quality Certification, Section A, Number 8, to allow for a separate 401 Water Quality Certification in areas that require a direct permit for alteration of the critical area of the coastal zone. This amendment will help to streamline the review process and assist with meeting timeframes for application reviews.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

16 DRAFTING NOTICES

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

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

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

Notice of Drafting:

The South Carolina Department of Environmental Services (Department) proposes amending S.C. Code Ann Regs. 61-71, Well Standards (R.61-71), Section F.2.b. Interested persons may submit comment(s) on the proposed amendments to Joseph Koon of the Bureau of Water; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; Joseph.Koon@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on May 26, 2026, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Sections 48-1-10 et seq. and 44-55-10 et seq, the Department is authorized to establish minimum standards for the construction, maintenance, and operation of certain wells. The Department proposes amending R.61-71.F.2.b, to revise the grout composition description to remove the specific neat cement composition of Class A, Type I Portland Cement, and replace it with a general neat cement description. This change will allow flexibility of neat cement composition.

The proposed amendments may also include 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. 5453
SOUTH CAROLINA HUMAN AFFAIRS COMMISSION
 CHAPTER 65

Statutory Authority: 1976 Code Sections 1-13-40, 1-13-50, 1-13-70, 1-13-90, and 1-13-100

- 65-1. Definitions.
- 65-2. Complaint.
- 65-3. Investigation and Production of Evidence.
- 65-5. Conference, Conciliation and Persuasion.
- 65-7. Reconsideration of Order of Dismissal or Order to Initiate Suit.
- 65-8. Procedure for Hearing as Provided by Section 1-13-90(c) of the Act.
- 65-9. Procedure for the Institution of Civil Actions as Provided in Section 1-13-90(d) of the Act.
- 65-14. Confidentiality. (New)

Preamble:

The South Carolina Human Affairs Commission proposes to amend Regulations 65-1, 65-2, 65-3, 65-5, 65-7, 65-8, and 65-9 and to add new Regulation 65-14 governing the processing of employment discrimination complaints under the South Carolina Human Affairs Law, S.C. Code Ann. Sections 1-13-10 et seq. During the five-year regulatory review required by Sections 1-23-120(J) and 1-23-270(F), the Commission identified significant legal defects in its existing regulations, including incorrect judicial review venue references directing appeals to circuit court rather than the Administrative Law Court, improper statutory authority citations, gender-specific language, and the absence of any regulation governing confidentiality of investigative materials and position statement access. The existing regulations also contain outdated office location references, redundant provisions, undefined terms used throughout Chapter 65, and procedural language that does not reflect current federal Equal Employment Opportunity Commission practices. The proposed amendments correct these deficiencies, modernize procedural language, and add a new regulation establishing confidentiality and file-access procedures modeled on federal EEOC procedures and adapted to the Commission’s statutory framework under Section 1-13-90. The amendments do not expand or alter the Commission’s substantive jurisdiction or create new rights or penalties not authorized by statute.

These amendments modernize the Commission’s procedural regulations to correct legal deficiencies, align with current federal Equal Employment Opportunity Commission procedures where appropriate, neutralize gender-specific language, update office location references, streamline outdated or duplicative provisions, and add a new regulation governing confidentiality procedures for position statements, investigative files, and post-investigation file access. The amendments do not expand or alter the Commission’s substantive jurisdiction or create new rights or penalties not authorized by statute.

The Notice of Drafting was published in the State Register on March 27, 2026.

Section-by-Section Discussion:

Section	Change Type	Discussion
65-1. Definitions.	Revision	Subsection A is amended to remove the enumerated list of statutory terms that duplicated Section 1-13-70, replacing it with a general incorporation-by-reference provision. In subsection B, "shall mean" is replaced with "means" throughout, and Code citations are updated to the current official style. The definitions of "Chairman" and "Commissioner" are amended to add cross-references to Sections 1-13-40(d) and 1-13-50(a), respectively. The definition of "Complaint" is simplified to remove internal enumeration and unnecessary cross-references. The definition of "Investigator" is

18 PROPOSED REGULATIONS

		<p>updated to reflect the dual reporting relationship to the Commissioner or supervisory commission member. The definition of "Unlawful employment practice" is updated to reference Section 1-13-80 using current citation conventions. Three new definitions are added — "Complainant," "Respondent," and "Supervisory Commission Member" — consolidating language previously embedded in the substantive text of Regulations 65-2 and 65-3. These amendments do not alter the Commission's jurisdiction or substantive standards.</p>
<p>65-2. Complaint.</p>	<p>Revision</p>	<p>The regulation title is amended to add a descriptive heading. Subsection A is rewritten to use the newly defined term "complainant" and remove the embedded definitional language previously appearing in this section. Subsection B is amended to authorize complaint forms prescribed or approved by the Commission, accommodating electronic filing. Subsection C(1) replaces the parenthetical note regarding address changes with a concise duty statement and neutralizes gender-specific language. Subsection C(2) removes the parenthetical defining "respondent," which is now defined in Regulation 65-1. The former subsection E (place of filing at a specific street address) is stricken and consolidated into a renamed subsection E (Place and Manner of Filing), which references the Commission's principal office and authorizes electronic submission. Subsections F through I are re-lettered accordingly. Subsection G(3) is clarified to provide that amendments are barred after issuance of a determination, final order, conciliation, or dismissal. Subsection H adds a sentence confirming that withdrawal terminates Commission processing. Subsection I adds two new dismissal grounds: death of the complainant where no estate representative can be identified, and cessation of the respondent entity where no successor can be identified. Subsection I(4) is amended from "shall" to "may," making dismissal upon refusal of a full-relief settlement offer discretionary rather than mandatory. Gender-specific language is neutralized throughout.</p>
<p>65-3. Investigation and Production of Evidence.</p>	<p>Revision</p>	<p>65-3. Investigation and Production of Evidence. — Revision. Subsection A(2) is amended to replace open-ended investigator authority language with a reference to actions authorized by the Act and these Regulations. New sub-items (a) and (b) clarify the investigator's reporting obligations for complaints arising under Sections 1-13-90(c) and (d), respectively. Former subsection A(3) (Supervisory Commission Members) is stricken; the appointment process is addressed in Section 1-13-90(c)(2) and the term is now defined in Regulation 65-1. Remaining subsections are renumbered accordingly. Investigation commencement language is updated from "immediately" to "promptly." In subsection A(5)(b), the former lowercase roman numeral sub-items governing acceptance and production of evidence are consolidated into a single inline provision. Internal cross-references to specific regulation subsections are replaced with references to "these Regulations" throughout. Subsection B(3) is amended to use passive voice for subpoena issuance, removing the specific reference to joint action by the Chairman and Commissioner. A new subsection B(10) is added authorizing the investigator to note in the investigative record that a decisionmaker may draw appropriate consequences — including adverse inferences — when a party fails without good cause to</p>

		<p>respond to investigative requests. Former subsection B(10) (Confidentiality) is stricken in its entirety and replaced by new Regulation 65-14, which substantially expands and modernizes the Commission’s confidentiality and file-access procedures. Gender-specific language is neutralized throughout..</p>
<p>65-5. Conference, Conciliation and Persuasion.</p>	<p>Revision</p>	<p>In subsection A, "will" is replaced with "shall" in the provisions requiring the Commission to present settlement offers and inform the respondent of the complainant’s decision, clarifying these as mandatory duties. "Shall" is replaced with "may" in the provisions governing the Commission’s agreement to accept a settlement, suspension of investigative efforts, and notation of no judgment on the merits, accurately reflecting the Commission’s discretionary authority rather than mandatory obligations. The term "charging party" is replaced with "complainant" for consistency with updated definitions. The alternative settlement-by-withdrawal provision is relocated from subsection A to subsection B(2). In subsection B(2), "person claiming to be aggrieved" is replaced with "complainant" and the internal cross-reference is replaced with "these Regulations." In subsection C(1), "will" is replaced with "shall" in the respondent’s conciliation obligation, and "person claiming to be aggrieved" is replaced with "complainant." A clause is added specifying that conciliation addresses violations found during the investigation and addressed in the reasonable cause determination. Subsection C(5) is restructured for clarity: a descriptive heading is added, the confidentiality requirement is redesignated as sub-item (a), and the interagency disclosure exception in sub-item (b) is updated to reference Section 1-13-90 rather than "the Act." Sub-item (c) is amended to replace "which" with "that" and "will" with "would."</p>
<p>65-7. Reconsideration of Order of Dismissal or Order to Initiate Suit.</p>	<p>Repealed</p>	<p>This regulation is repealed. South Carolina law does not provide for an “order to initiate suit” as a procedural mechanism. The existing text is stricken in its entirety because it conflated procedural tracks for state agency and non-state agency respondents and contained provisions that improperly directed adjudicatory outcomes.</p>
<p>65-8. Procedure for Hearing as Provided by Section 1-13-90(c) of the Act.</p>	<p>Revision</p>	<p>A new subsection A defines "initial complaint" and "formal hearing complaint" to distinguish the administrative charge from the litigation-style hearing complaint; all subsequent subsections are re-lettered. Office location references are replaced with references to the Commission’s principal office. The term "formal complaint" is inserted throughout to maintain the distinction. The verification requirement for complaints filed under this section is removed. The requirement to submit duplicate copies of the answer is removed. The notice of appearance provision for private attorneys is clarified. Subsection J(1) is substantively revised so that hearing commissioners determine by majority vote and directly issue orders, replacing the former recommendation-to-Commission structure. The judicial review provisions in subsection M are overhauled to replace circuit court review with appeal to the Administrative Law Court under Sections 1-23-380(B) and 1-23-600(D), with new provisions governing filing deadlines, service of the notice of appeal, and supersedeas effect. Subsection N clarifies the Commission’s enforcement authority. Gender-specific language is neutralized throughout.</p>

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<p>65-9. Procedure for the Institution of Civil Actions as Provided in Section 1-13-90(d) of the Act.</p>	<p>Revision</p>	<p>The regulation title is amended to remove "of the Act." Subsection A is reorganized into lettered sub-items addressing authority to file, time to file, and enforcement of conciliation agreements. A new sub-item on conciliation agreement breach clarifies that the one-year filing period runs from the date the Commission discovered the breach. A new subsection A(2) addresses prohibition on duplicative actions, requiring the Commission to conduct reasonable inquiry before filing and to move to dismiss or consolidate within thirty days upon discovering duplicative litigation. The right-to-sue provisions in subsection B(1) are restructured with descriptive headings. Sub-item (a) adds a ten-day issuance requirement upon qualifying request after one hundred eighty days. Sub-item (b) requires the Commissioner to attach a written certificate specifying the reasons for anticipated delay when issuing a notice before the one hundred eighty-day period. Sub-item (c) clarifies that issuance terminates administrative processing. Subsection B(2) replaces "voluntary compliance" with "conciliation agreement acceptable to the Commission" for precision. The content-of-notice provision in B(3)(a) adds electronic transmission as a delivery method and neutralizes gender-specific language. Internal cross-references are updated throughout.</p>
<p>65-14. Confidentiality.</p>	<p>Addition</p>	<p>This new regulation establishes comprehensive procedures governing confidentiality of investigative materials, replacing the former subsection 65-3(B)(10) with a substantially expanded framework modeled on federal EEOC procedures for position statement access and post-investigation file disclosure, adapted to the Commission’s statutory authority under Section 1-13-90. Subsection A governs party access to position statements during investigation, including a ten-day response requirement and protection of the complainant’s response from disclosure to the respondent. Subsection B establishes procedures for designating confidential information, specifying eligible categories and requiring separately labeled attachments with written justification. Subsection C defines eligibility and timing requirements for post-investigation file access by complainants, aggrieved persons, and respondents. Subsection D prescribes written request procedures, content requirements, and a thirty-day response deadline. Subsection E identifies categories of information to be withheld or redacted, including Commission work product, deliberative materials, information about other parties, settlement and conciliation information, medical information, confidential commercial information, and confidential witness identities. Subsection F addresses multiple charges against the same respondent. Subsection G authorizes reasonable fees and establishes file security procedures. Subsection H requires a non-disclosure agreement for pre-suit disclosures. Subsection I preserves other disclosure provisions, including disclosures required when an action is brought under the Act, disclosures necessary for settlement or conciliation, and disclosures required by law, court order, or subpoena.</p>

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments on the proposed amendments to E.B. “Trey” McLeod, III of the South Carolina Human Affairs Commission, 1026 Sumter Street, Suite 101, Columbia, SC 29201; or via

email at tmcleod@schac.sc.gov. To be considered, the Commission must receive comments no later than 5:00 p.m. on Tuesday, May 26, 2026, the close of the comment period.

Should a public hearing on the proposed regulations be requested by qualifying entities or the requisite number of persons pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Human Affairs Commission will conduct a public hearing pursuant to Section 1-23-111(A), with the Chairman presiding, on June 25, 2026, beginning at 10:00 a.m. at the South Carolina Human Affairs Commission, 8301 Parklane Rd, Columbia, South Carolina, 29223. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on May 26, 2026, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

The South Carolina Human Affairs Commission estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulations will be approximately \$0. These amendments modernize existing procedural regulations and do not impose new compliance obligations on state or local government entities. The new Regulation 65-14 codifies confidentiality and file-access procedures that the Commission has historically administered as internal practice; formalizing these procedures does not create new costs. No additional personnel, technology, or infrastructure expenditures are anticipated.

Statement of Need and Reasonableness:

The proposed amendments are needed to correct legal defects and modernize procedural regulations identified during the five-year regulatory review required by Sections 1-23-120(J) and 1-23-270(F). The existing regulations contain incorrect judicial review venue references directing appeals to the circuit court rather than the Administrative Law Court, improper statutory authority citations, gender-specific language, outdated office location references, redundant provisions, undefined terms used throughout Chapter 65, and no regulation governing confidentiality of investigative materials or position statement access.

Regulation 65-1 is amended to eliminate redundant duplication of statutory definitions and add definitions for terms used but previously undefined across Chapter 65. Regulation 65-2 is amended to modernize complaint filing procedures, accommodate electronic filing, and add dismissal grounds for circumstances the existing regulation does not address. Regulation 65-3 is amended to replace open-ended investigator authority language, eliminate provisions duplicating statutory text, consolidate fragmented discovery provisions, and relocate confidentiality procedures to new Regulation 65-14. Regulation 65-5 is amended to correct the characterization of Commission settlement authority from mandatory to discretionary and clarify conciliation confidentiality protections. Regulation 65-7 is repealed because the existing title and text reference a procedural mechanism that does not exist under South Carolina law and contain provisions that improperly direct adjudicatory outcomes. Regulation 65-8 is amended to distinguish the initial complaint from the formal hearing complaint, correct the judicial review venue to the Administrative Law Court, and add appeal and supersedeas provisions. Regulation 65-9 is amended to reorganize the Commission’s civil action authority, add provisions prohibiting duplicative actions, and modernize right-to-sue procedures. New Regulation 65-14 establishes procedures governing position statement access, confidential information designation, and post-investigation file access that the Commission has historically administered without regulatory authority.

The amendments are reasonable in that they do not expand the Commission’s jurisdiction, create new rights or penalties not authorized by statute, or impose new compliance obligations on the regulated community. The amendments are limited to the minimum changes necessary to achieve legal accuracy, procedural clarity, and consistency with federal EEOC practices where appropriate under South Carolina law.

DESCRIPTION OF REGULATION:

- 65-1. Definitions.
- 65-2. Complaint.
- 65-3. Investigation and Production of Evidence.

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65-5. Conference, Conciliation and Persuasion.

65-7. Reconsideration of Order of Dismissal or Order to Initiate Suit.

65-8. Procedure for Hearing as Provided by Section 1-13-90(c) of the Act.

65-9. Procedure for the Institution of Civil Actions as Provided in Section 1-13-90(d) of the Act.

65-14. Confidentiality. (New)

Purpose: These regulations govern the procedures for filing, investigating, conciliating, and adjudicating complaints of unlawful employment discrimination under the South Carolina Human Affairs Law, S.C. Code Ann. Section 1-13-10 et seq. The proposed amendments correct identified legal deficiencies, modernize procedural language, align with federal EEOC procedures where appropriate, and add a new regulation governing confidentiality.

Legal Authority: 1976 Code Sections 1-13-40, 1-13-50, 1-13-70, 1-13-90, and 1-13-100.

Plan for Implementation: Upon approval by the General Assembly, the Commission will publish the final regulations in the State Register, update its internal standard operating procedures, revise complaint intake forms and file-access request forms, and provide training to Commission staff on the revised procedures. The Commission will also publish notice of the revised regulations on its website.

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

The proposed amendments are necessary to correct critical legal defects in the Commission's existing regulations, including incorrect references to judicial review venues, improper statutory authority citations, gender-specific language requiring neutralization, and the absence of any regulation governing confidentiality of investigative materials. The amendments will improve consistency with federal EEOC procedures, enhance procedural clarity for complainants and respondents, and reduce the risk of legal challenge to Commission actions taken under deficient regulations. The expected benefits include improved public confidence in the Commission's complaint processing procedures, enhanced procedural fairness, and reduced administrative burden from correcting errors on a case-by-case basis.

DETERMINATION OF COSTS AND BENEFITS:

The Commission anticipates no material costs to the State or its political subdivisions. Benefits include procedural modernization, alignment with federal standards, and enhanced enforceability of Commission regulations.

UNCERTAINTIES OF ESTIMATES:

None. The proposed amendments are procedural in nature and do not impose new substantive requirements or create new compliance costs.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or public health.

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

None. This regulation does not have a substantial economic impact. No assessment report is required pursuant to Section 1-23-115.

Statement of Rationale:

These proposed regulations are based upon the Commission’s statutory authority under the South Carolina Human Affairs Law, S.C. Code Ann. Sections 1-13-40, 1-13-50, 1-13-70, 1-13-90, and 1-13-100, and the Commission’s obligation under Sections 1-23-120(J) and 1-23-270(F) to review its regulations for continued need and reasonableness. The Commission identified significant legal defects during the five-year regulatory review process, including incorrect judicial review venue references, improper statutory authority citations, gender-specific language, and the absence of regulations governing confidentiality of investigative materials. The Commission also relied upon the procedures and guidance of the federal Equal Employment Opportunity Commission under 29 C.F.R. Part 1601 as a reference baseline for alignment where consistent with South Carolina law. No studies, reports, or statements of professional judgment external to the Commission were relied upon in developing these regulations. The Commission’s determination is based on its administrative experience processing employment discrimination complaints, its review of federal EEOC procedures, and the 2022 regulatory review comments prepared by Commission staff.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5452
DEPARTMENT OF TRANSPORTATION
 CHAPTER 63
 Statutory Authority: 1976 Code Section 57-3-110

- 63-370. Private Driveway Entrances to Highways.
- 63-380. Erosion Control.
- 63-800 through 63-807. Bus Shelters.

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 57. The regulations concern driveways, erosion control, and bus shelters regulations.

Section-by-Section Discussion:

- 63-370. Private Driveway Entrances to Highways. The South Carolina Department of Transportation proposes to repeal Chapter 63, Article 4, Subarticle 5 entitled “Private Driveway Entrances to Highways”. This regulation was promulgated in 1983. The residential driveway provisions are already codified in Section 57-5-1140 (including widths and culvert-cost responsibilities), and SCDOT’s exclusive authority under Section 57-3-110 is implemented through the ARMS manual and Engineering Directives, which govern driveway design and the encroachment-permit process.
- 63-380. Erosion Control. The South Carolina Department of Transportation proposes to repeal Chapter 63, Article 4, Subarticle 6 entitled “Erosion Control”. This regulation has been replaced by Regulations 72-405 through 72-445 standards for Stormwater Management and Sediment Reduction, 1976 Code Section 48-18-70(4).
- 63-800 through 63-807. Bus Shelters. The South Carolina Department of Transportation proposes to repeal Chapter 63, Article 9 entitled “Bus Shelters”. This Article was intended to regulate the placement of bus shelters, with commercial advertisement, on state right of way

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The Notice of Drafting was published in the *State Register* on March 27, 2026.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Department of Transportation, 955 Park Street, Columbia, S.C. on June 10, 2026, at 9:00 a.m. If no request is received by June 5, 2026, the hearing will be canceled. Written comments may be directed to Barbara Wessinger, Chief Counsel, South Carolina Department of Transportation, 955 Park Street, Columbia, SC 29202 not later than June 5, 2026.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To modernize, clarify and update the existing regulations which govern driveways, erosion control, and bus shelters regulations.

Legal Authority: 1976 Code Section 57-3-110.

Plan for Implementation: The implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 57, driveways, erosion control, and bus shelters regulations.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

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Document No. 5370
CLEMSON UNIVERSITY
CHAPTER 27

Statutory Authority: 1976 Code Section 46-37-20

27-1 through 27-8. Bee Regulations.

Synopsis:

The proposed changes and updates to Regulations 27-1 through 27-8 are based upon the need to provide greater efficiency within Clemson and to provide greater clarity to user groups and consumers.

The Notice of Drafting was published in the *State Register* on September 27, 2024.

Instructions:

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

Text:

ARTICLE 1

HONEYBEE REGULATIONS

(Statutory Authority: 1976 Code Section 46-37-20)

27-1. Definitions.

- A. Apiary: Location or site on which one or more colonies of honeybees is located.
- B. Application: The process of notifying the Department that certification is needed and fulfilling all other Department requirements associated therewith.
- C. Beekeeper: A person who produces and/or raises honeybees.
- D. Brood: Honeybees in the egg, larval or pupal life stage of development prior to emergence as adults from their cells.
- E. Certificate of Inspection: A document issued by an official of the Department or corresponding agency of another state or province which declares said honeybees as being apparently free of contagious diseases, parasites and other designated pests of honeybees.
- F. Certification: Process by which the approval of licensing to participate in the movement of honeybees, packaged honeybees, queen honeybees, nucleus hives (nucs), and brood following successful application to and inspection by the Department or equivalent sending state, territory or country has occurred.
- G. Colony: A congregation of honeybees on combs consisting of worker honeybees and an active, viable queen.
- H. Comb: Any structure composed of honeybees wax cells in which a queen honeybee lays eggs and where immature life stages of honeybees are reared.
- I. Department: The Department of Plant Industry.
- J. Director: The Director, Regulatory and Public Service Programs, Clemson University.
- K. Disease: Contagious and infectious diseases of honeybees, including, but not limited to, American Foulbrood, European Foulbrood, Isle of Wight disease, and any pests and parasites including, but not limited to, Varroa Mite, Tracheal mite, Africanized bee, etc.
- L. Disorder: Any disease, poisoning, pest, parasite, or predator damage, toxic substance injury, or undesirable trait or genetic strain of the bee that detrimentally affects honeybees or the bee and honey industry.
- M. Entry permit: Document issued by a state appointed agent or Department inspector authorizing the entry of any honeybees or used beekeeping equipment into the state.

N. Equipment: Hives, supers, frames, veils, gloves, tools, machines, or other devices for the handling and manipulation of honeybees, honey, pollen, wax, or hives, including, storage or transporting containers for pollen, honey, or wax, or other apiary supplies used in the operation of an apiary or honey house.

O. Export Permit: Document issued by a state appointed agent or Department inspector of the condition of any honeybees or equipment which are to be transported to another state, territory or country.

P. Honeybee: All species of the western honeybee (*Apis mellifera*). Managed colonies in the state of South Carolina are those that have European sub-species of *Apis mellifera* contained therein.

Q. Infected, "infested," "contaminated," or "diseased": A viable stage of a life cycle of a honeybee disease as defined herein and demonstrated to exist on or within the colony population or on hives, comb, or any equipment associated with beekeeping operations.

R. Inspection: The physical observation by the Department to verify freedom of plant pests, condition of general environment, and compliance with all relevant State and Federal regulations and/or laws.

S. Inspector: Any authorized employee or agent of the State Crop Pest Commission or any other person authorized by the Director to enforce the provisions of these regulations.

T. License: A statement issued by the Director certifying that honeybees or regulated articles are apparently free of disease and/or disorder based on an inspection or freedom from exposure to disease and/or disorder.

U. Location: Any place where honeybees, equipment, disease or disorder may be present.

V. Nucleus hive (nucs): A small colony often used in making new increases and queen rearing, or the box in which the small colony resides. The term refers to the fact that the essentials; honeybees, brood, food, a queen or the means to make one, are there for it to grow into a colony, but it is not a full-sized colony.

W. Packaged honeybees: Honeybees shipped in combless packages accompanied by a valid certificate of inspection from an authorized state or federal agency verifying the absence or presence of any infectious or communicable diseases or parasitic infestations, and further providing that no honey has been used for food while in transit or that any honey used as food in transit was properly sterilized.

X. Permit: An authorization to allow movement or other action involving honeybees or regulated articles.

Y. Person: An individual, corporation, firm, partnership, association, state or federal agency, schools, groups, or business of any kind.

Z. Pollination: The use of honeybees for the transfer of pollen in the production of an agricultural crop.

AA. Quarantine: Limitations by the Department on the free movement of plant pests, animals, plants, equipment, machinery, goods, genetically engineered organisms, or means of transportation, or all of the foregoing, considered by the Department to be reasonably necessary to prevent the spread of a plant pest.

BB. Regulated honeybee disease or "regulated pest": A bee disease or pest that presents a significant threat to the population of honeybees and for which regulatory actions can be taken to mitigate that threat.

CC. State Crop Pest Commission: The South Carolina State Crop Pest Commission, as designated by the Board of Trustees of Clemson University or any other officers, employees, or designees thereof to whom authority has been given by such commission.

DD. Used Beekeeping Equipment: Equipment including but not limited to frames, supers, bottoms, tops, and other portions of a beehive that have been or are currently inhabited by honeybees.

27-2. Requirements for Inspection and Procedures.

Inspection may be required to move or sell honeybees and used beekeeping equipment or otherwise monitor honeybee health and pests within the state of South Carolina.

A. The Director, under the authority of the South Carolina State Crop Pest Commission, may assign inspectors to carry out the provisions of this chapter.

B. Inspectors shall notify property owners and/or beekeepers of a planned inspection at least 24 hours prior to the actual inspection.

1. Property owners and/or beekeepers may voluntarily agree to waive the 24 hour notice prior to inspection, but any such waiver of a shortened notice period shall be documented in the inspection report.

2. Following at least one documented unsuccessful attempt to contact the property owner or beekeeper using the last known contact information, or if immediate inspection is necessary to prevent the spread of regulated honeybee diseases, disorders or pests, inspection may proceed without prior notice.

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C. Inspections shall consist of a visual examination of honeybees and hives for detection of honeybee pests that are suspected, but also includes inspection for regulated honeybee diseases, disorders, and/or pests and implementing control measures to minimize adverse impacts of those diseases, disorders and/or pests on the honeybee population in the state, as well as to complete Department certifications required for shipping. Inspections shall include apiaries and wild colonies as applicable. Subsequent sampling and lab analyses may also be required.

D. Apiaries shall be maintained and colonies arranged in such a manner as to allow reasonable access for inspection. The owner or designated representative shall be notified by the Department if the conditions of the site are such that an inspection cannot be reasonably performed.

E. The keeping of honeybees in equipment or fixtures without moveable frames by a beekeeper is prohibited. Beekeepers found utilizing hives without moveable frames will be required to transfer the honeybees to a moveable frame hive or to destroy the colony.

27-3. Requirements for Licensing.

A person wishing to sell honeybees, including individual honeybees, packaged honeybees, queen honeybees, nucleus hives (nucs), and brood, in the state is required to obtain a license from the Department. Application for license to sell honeybees shall be made to the Department. Persons selling from outside of the state are exempt provided they are inspected by an equivalent state agency, declared free of honeybee pests, and that such state provides equal reciprocity to residents of the State of South Carolina regarding such requirements.

A. Issuance of a license is dependent upon completion of application and Department inspection declaring pest freedom of honeybees from which sales might occur. No person shall sell individual honeybees, packaged honeybees, queen honeybees, nucleus hives (nucs), or brood within the state without meeting these conditions.

B. All individual honeybees, packaged honeybees, queen honeybees, nucleus hives (nucs) and brood shipped within the state must have a copy of the license attached to each shipment from the producer's apiary. The license shall be issued in accordance with the rules in this Section.

C. If the inspector has reason to believe that honeybees or equipment offered for sale are infected by or are symptomless carriers of any disease or disorder listed in the rules in this section or otherwise believed to cause risk to the honeybees of this state, they shall stop sale and/or movement of the honeybees and/or equipment.

D. Licensing Procedure:

(1) Annual application for license is required and may be initiated at any time.

(2) Licensing period is from January 1st to December 31st annually.

(3) Applications for license can be made by contacting the Department.

(4) First-time applicants and expired licensees must contact the Department to request an application.

(5) Existing license-holders will be contacted by the Department to provide license renewal information.

(6) All provisions of the South Carolina Introduction of Honeybees into the State Act and the Honeybee Regulations adopted thereunder must be met as a prerequisite to obtaining a license to sell honeybees, including compliance with existing quarantines.

(7) Receipt of license does not exempt persons from other permits, licenses, etc. required by this or other state agencies located within or outside of this state to conduct business with honeybees.

(8) A license may be denied or revoked at any time to prevent the introduction or spread of honeybees or colonies with disease, disorder or conditions deemed harmful to the state beekeeping industry.

(9) Licenses are non-transferable.

(10) License holders shall not sell honeybees owned by another person.

(11) No license shall be required for persons:

(a) selling less than 10 hives in a calendar year,

(b) conducting a one-time going-out-of-business sale of less than 50 hives,

(c) renting of honeybees for pollination purposes, or

(d) participating in the movement of honeybees to gather honey.

E. If a beekeeper knows that a colony has a regulated disease or pest, the beekeeper shall immediately report to the Department all facts known about the honeybee's disease or pests.

27-4. Quarantines.

A. Interior – Any apiary or colony infected with disease, disorder or conditions prescribed in these regulations may be placed under an interior, state quarantine by the Director. Such quarantine becomes effective upon a verbal or written notice to the person in charge of the honeybees from the Director and remains in effect until the Director has determined that the disease is eradicated or under control to his/her satisfaction.

(1) The movement or transportation of any and all colonies of honeybees, queen honeybees, nucleus hives, brood, combs, or other diseased equipment from a quarantined apiary or colony is prohibited.

(2) A quarantine zone shall exist within a radius of two miles around the diseased apiary or colony. No honeybees may be moved from a quarantine zone until after they have been inspected by the Department and found to be apparently free from disease.

(3) A quarantine established by the Director shall remain in force and effect until the Director shall declare the quarantined apiary or location to be free from disease or pest. The Department shall review a quarantined apiary or location regularly for the continued presence of the disease.

B. Exterior – The Director may quarantine areas outside of South Carolina when there is reason to believe that a bee of the genus *Apis* other than *Apis mellifera* or a bee disease or disorder that is not established throughout this state exists in that area and that importation of individual honeybees, packaged honeybees, queen honeybees, nucleus hives (nucs), or brood, or beekeeping equipment present an introduction hazard to beekeeping.

27-5. Requirement of Permits for Movement.

The movement, or import, of honeybees, packaged honeybees, queen honeybees, nucleus hives (nucs), and brood into the state requires an entry permit.

A. Importing into this state:

(1) A person must not ship or cause to be shipped honeybees, packaged honeybees, queen honeybees, nucleus hives (nucs), brood or used beekeeping equipment into the state from another state unless the person has an entry permit issued by the Department.

(2) A person must apply for an entry permit under this section by filing an application with the Department preceding the date of shipment by at least five business days.

(3) An application for entry permit must include:

(a) a complete description of the shipment,

(b) the destination of the shipment,

(c) the approximate date of the shipment,

(d) the country and state of origin,

(e) the names, addresses and contact information of the consignor and consignee,

(f) a certificate of inspection, or equivalent of the sending state, territory, or country from which the honeybees are to be shipped,

(g) the number of queen honeybees, package honeybees, colonies or nucs,

(h) the number and description of all beekeeping equipment, and

(i) the date on which inspection was completed by an apiary inspecting agency equivalent to the Department in the sending state, territory or country.

(4) A certificate of inspection for an entry permit required by this section must certify that the honeybees or equipment are apparently free from disease based on an actual inspection conducted not more than 60 days before the date of the shipment. The agents or representatives must have inspected in the state, territory or country of origin at a time when the honeybees are actively rearing brood and that the honeybees meet the entry requirements of the Department.

(5) The Director and his/her designee shall be empowered to intercept any persons transporting honeybee colonies or appliances to determine if they have the required certificate of inspection.

(6) Honeybees, packaged honeybees, queen honeybees, nucleus hives (nucs) brood and used beekeeping equipment brought into this state in violation of this chapter or any applicable rules and regulations of the Department shall be removed by the owner from this state and returned to their state of origin within five (5) days after notification by the Department.

(7) Failure to comply may result in confiscation or destruction of all regulated articles.

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The movement, or export of honeybees, packaged honeybees, queen honeybees, nucleus hives (nucs), and brood out of this state may require an export permit to legally enter another state, territory, or country.

B. Exporting from this state:

(1) A person who wishes to ship honeybees or used beekeeping equipment from South Carolina to another state or territory may apply to the Department for an Export Certificate authorizing the shipment. The application must include:

- (a) the names, addresses and contact information of the consignor and consignee,
- (b) the destination of the shipment,
- (c) shipment information,
- (d) the approximate date of the shipment,
- (e) distinguishing marks,
- (f) declared point of entry,
- (g) vii. declared means of conveyance/shipping information,
- (h) location of honeybees, packaged honeybees, queen honeybees, nucleus hives (nucs), and brood requiring inspections, and
- (i) approval for Department to enter properties necessary for inspection.

(2) If a person files an application in accordance with this section, and the inspector determines that South Carolina's and the receiving state's, territory's or country's honeybee shipping requirements have been met along with any other applicable statutes or regulations, the inspector shall issue an Export permit for the shipment.

27-6. Regulated Honeybee Pests and Areas.

The official listing of quarantined pests and areas in this state shall be maintained and made publicly available on Clemson's website located at: www.clemson.edu/invasives.

27-7. Stop sale and/or Movement.

A. The Department may issue and enforce a stop-sale or stop-movement notice to the owner or custodian of any honeybees, honeybee products, or honeybee equipment found or suspected to be in violation of this chapter, or any Department regulations promulgated thereunder.

B. The notice shall prohibit further sale, barter, exchange, or distribution of such items until the Department has issued a written release confirming compliance with the provisions of this chapter and any Department regulations promulgated thereunder.

27-8. Repealed.

Fiscal Impact Statement:

None.

Statement of Rationale:

Upon a thorough review of this chapter, changes to address errors in grammar and spelling, as well as providing clarity on uncertain statements need to be made. Requirements for licensing of those selling live honeybees will reduce the occurrences of honeybee disease movement through increased inspections. Overall, these changes will increase the accuracy and consistency of these honeybee regulations as they are carried out in South Carolina.

Document No. 5449
DEPARTMENT OF ENVIRONMENTAL SERVICES
 CHAPTER 61

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

61-64. X-Rays (Title B).

Synopsis:

Pursuant to S.C. Code Ann. Section 13-7-40 et seq., the Department of Environmental Services (Department) has the authority to regulate radiation sources and to formulate, adopt, promulgate, and repeal rules and regulations relating to the control of ionizing radiation.

The Department is amending R.61-64, X-Rays (Title B), to incorporate the U.S. Food and Drug Administration’s (FDA) amendments to the federal Mammography Quality Standards Act (MQSA) published on March 10, 2023, 88 FR 15126, and effective September 10, 2024.

The updates issued by the FDA, which became effective September 10, 2024, were to modernize the regulations by incorporating current science and mammography best practices. The Department’s intent of its amendments to R.61-64, X-Rays (Title B), is to mirror the amendments of the federal MQSA by doing the following: improving the delivery of mammography services by strengthening the communication of healthcare information; allowing for more informed decision-making by patients and providers (by requiring facilities to provide them with additional health information); helping to ensure the availability of qualified mammography personnel; bolstering the medical outcomes audit to provide feedback to improve mammography interpretations; modernizing technological aspects of the standards; and adding additional tools to deal with noncompliant facilities.

The Administrative Procedures Act, S.C. Code Ann. Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department promulgates these amendments for compliance with federal law.

The Department had a Notice of Drafting published in the October 24, 2025, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-64. PART V		
5.5.1	Revision	Amended to comply with federal requirements.
5.5.1.3	Revision	Amended to comply with federal requirements.
5.5.1.6	Revision	Amended to comply with federal requirements.
5.5.1.7	Revision	Revised to include new requirement based on federal requirements.
5.5.1.8	Addition	Addition to move the requirement previously contained within subsection 5.5.1.7 to 5.5.1.8.
5.9.4	Revision	Amended to retain the name of the section.
5.9.4.1	Addition	Addition to include new federal requirements for the retention of personnel records – requirement to maintain records for Department review.

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5.9.4.2	Addition	Addition to include new federal requirements for the retention of personnel records – requirement to provide copies upon request.
5.9.4.3	Addition	Addition to include new federal requirements for the retention of personnel records – requirement for the timeframe to maintain these required records.
5.9.4.4	Addition	Addition to include new federal requirements for the retention of personnel records – requirement to provide required records.
5.9.4.5	Addition	Addition to include new federal requirements for the retention of personnel records – requirement for actions to take prior to facility closure or ceasing to perform mammography regarding personnel records.
5.10.2.1	Addition	Addition to include new federal requirement.
5.10.2.2	Addition	Addition to include new federal requirement.
5.10.11	Revision	Amended to include new federal requirements for facilities using screen-film units.
5.11.1	Revision	Amended to include new federal requirements for the examination presented for interpretation.
5.11.1.2	Revision	Amended to include new federal required information to be included on the mammography report.
5.11.1.4	Revision	Amended to include new federal requirement to clarify the assessment statement.
5.11.1.4.1	Revision	Amended to include new federal language that clarifies a “Negative” assessment.
5.11.1.4.2	Revision	Amended to include new federal language that clarifies a “Benign” assessment.
5.11.1.4.5	Revision	Amended for grammar.
5.11.1.4.6	Addition	Addition of new federally required assessment category and description – “Known Biopsy – Proven Malignancy”.
5.11.1.4.7	Addition	Addition of new federally required assessment category and description – “Post-Procedure Mammogram for Marker Placement”.
5.11.1.5	Revision	Amended to include new federal requirement for classification statements.
5.11.1.5.1	Addition	Addition of new federally required assessment category and description – “Incomplete; Need additional imaging evaluation”.

5.11.1.5.2	Addition	Addition of new federally required assessment category and description – “Incomplete: Need prior mammograms for comparison”.
5.11.1.6	Revision	Original requirement reorganized to new subpart. Amended to include new federal requirement for the inclusion of the appropriate breast density statement.
5.11.1.6.1	Addition	Addition of new federally required breast density category.
5.11.1.6.2	Addition	Addition of new federally required breast density category.
5.11.1.6.3	Addition	Addition of new federally required breast density category.
5.11.1.6.4	Addition	Addition of new federally required breast density category.
5.11.1.7	Addition	Requirement for recommendations reorganized to this new subpart.
5.11.2	Revision	Amended to include new federal requirements for the contents of the lay summary provided to the patient.
5.11.2.1	Revision	Amended to include new federal requirements for the timeframe for sending reports for patients who do not name a healthcare provider with an assessment of “Suspicious” or “Highly Suggestive of Malignancy”.
5.11.2.2	Revision	Amended to clarify the new federal requirement to maintain a system to refer patients to a healthcare provider when clinically indicated.
5.11.2.3	Addition	Addition of the new federally required appropriate breast density statement language based on the breast density category identified on the mammography report.
5.11.2.4	Addition	Addition of the new federally required appropriate breast density statement language based on the breast density category identified on the mammography report.
5.11.3	Revision	Amended for grammar.
5.11.3.1	Revision	Amended for grammar.
5.11.3.2	Revision	Amended to include new federal requirements for the mammography report and the timeframe for the final interpretation.
5.11.4.1	Revision	Amended for clarification on the timeframes and new federally required procedures for the maintenance of original mammograms and mammography reports.

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5.11.4.2	Revision	Amended to include new federal requirements for the transfer of the mammogram and the mammography reports when such request is received.
5.11.4.3	Revision	Original requirement reorganized to new subpart. Amended to include new federal requirements for the release of copies of mammograms or mammogram reports.
5.11.4.4	Addition	Requirement for fees charged reorganized to this new subpart.
5.11.4.5	Addition	Addition of new federal requirements for mammographic records if a facility closes or ceases to provide mammography services.
5.11.4.5.1	Addition	Addition of new federal requirements for access to mammographic records.
5.11.4.5.2	Addition	Addition of new federal requirements for access to mammographic records.
5.11.4.5.3	Addition	Addition of new federal requirements for notification of accrediting body and the Department in writing of arrangements to notify affected patients.
5.23.1	Revision	Amended to new federal requirements for the medical outcomes audit.
5.23.1.1	Addition	Addition of the new federal requirement of the positive predictive value in the medical outcomes audit.
5.23.1.2	Addition	Addition of the new federal requirement of the cancer detection rate in the medical outcomes audit.
5.23.1.3	Addition	Addition of the new federal requirement of the recall rate in the medical outcomes audit.
5.23.4	Addition	Addition of new federal requirement for the timeframe to maintain records and data to demonstrate compliance.
5.24 title	Revision	Amended to new federal requirement to add referring provider.
5.24.1	Revision	Amended to new federal requirements to clarify patient provider notification.
5.24.2	Revision	Amended to new federal requirements that allow the Department to notify patients and physicians as needed.
R.61-64. PART X		
10.6	Revision	Amended to include the language healthcare provider.
10.42	Revision	Amended to include the language healthcare provider.
10.137	Revision	Amended to include digital breast tomosynthesis and full field digital mammography.
10.151	Revision	Amended to align with federal regulation.

10.160	Revision	Amended to clarify definition of patient whether the person is healthcare provider or self-referred.
10.175	Revision	Amended for grammar.

Instructions:

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

Text:

**PART V
QUALITY STANDARDS AND CERTIFICATION REQUIREMENTS FOR FACILITIES
PERFORMING MAMMOGRAPHY**

RHB 5.5.1 shall be revised as follows:

5.5.1 Except as provided in RHB 5.5.2, the Department may suspend or revoke a certificate if the Department finds that the facility, owner, operator, or any employee of the facility:

RHB 5.5.1.3 shall be revised as follows:

5.5.1.3 Has failed to comply with reasonable requests of the Department or the accreditation body for records, information, reports, or materials, including clinical images for an additional mammography review as required by RHB 5.24, that the Department believes are necessary to determine the continued eligibility of the facility for a certificate or continued compliance with the standards of RHB 5.2 through 5.24;

RHB 5.5.1.6 shall be revised as follows:

5.5.1.6 Has failed to comply with prior sanctions imposed by the Department, including a Corrective Action Plan or a patient and referring physician notification;

RHB 5.5.1.7 shall be revised as follows:

5.5.1.7 Has failed to comply with requests of current or former facility personnel for records of their training or experience relevant to their qualification under MQSA as required by RHB 5.9.4; or

RHB 5.5.1.8 shall be added as follows:

5.5.1.8 Has failed to pay any required fees.

RHB 5.9.4 shall be revised as follows:

5.9.4 Retention of personnel records.

RHB 5.9.4.1 shall be added as follows:

5.9.4.1 Facilities shall maintain records of training and experience relevant to their qualification under MQSA for personnel who work or have worked at the facility as interpreting physicians, radiologic technologists, or medical physicists. These records must be available for review by the Department.

RHB 5.9.4.2 shall be added as follows:

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5.9.4.2 The facility shall provide copies of these personnel records to current interpreting physicians, radiologic technologists, and medical physicists upon their request.

RHB 5.9.4.3 shall be added as follows:

5.9.4.3 Records of personnel no longer employed by the facility must be maintained for no less than twenty-four (24) months from the date of the departure of an employee, and these records must be available for review at the time of any inspection occurring during those twenty-four (24) months.

RHB 5.9.4.4 shall be added as follows:

5.9.4.4 Facilities must provide personnel records to former employees if the former employees communicate their request within twenty-four (24) months of the date of their departure. If it has been greater than twenty-four (24) months and the facility has maintained those records, the facility must provide those records to former employees upon request.

RHB 5.9.4.5 shall be added as follows:

5.9.4.5 Before a facility closes or ceases to provide mammography services, it must make arrangements for access by current and former personnel to their MQSA personnel records. This access may be provided by the permanent transfer of these records to the personnel or the transfer of the records to a facility or other entity that will provide access to these records for no less than twenty-four (24) months from the date of facility closure or cessation of mammography services.

RHB 5.10.2.1 shall be added as follows:

5.10.2.1 All devices used in mammography must have met the applicable FDA premarket authorization requirements for medical devices of that type with that intended use.

RHB 5.10.2.2 shall be added as follows:

5.10.2.2 A mammography unit that is converted from one mammographic modality to another is considered a new unit at the facility under this part and must, prior to clinical use, undergo a mammography equipment evaluation demonstrating compliance with applicable requirements. The facility must also follow its accreditation body's procedures for applying for accreditation of that unit.

RHB 5.10.11 shall be revised as follows:

5.10.11 Film. For facilities using screen-film units, the facility shall use x-ray film for mammography that has been designated by the film manufacturer as appropriate for mammography. For facilities using hardcopy prints of digital images for transfer, retention or final interpretation purposes, the facility shall use a type of film designated by the film manufacturer as appropriate for these purposes and compatible with the printer being used.

RHB 5.11.1 shall be revised as follows:

5.11.1 Contents and terminology. Each facility shall prepare a written report of the results of each mammographic examination performed under its certificate. The mammographic examination presented for interpretation must be in the original mammographic modality in which it was performed, and must not consist of digital images produced through copying or digitizing hardcopy original images. The mammography report shall include the following information:

RHB 5.11.1.2 shall be revised as follows:

5.11.1.2 Date of examination, facility name, and location. At a minimum, the location shall include the city, State, ZIP code, and telephone number of the facility;

RHB 5.11.1.4 shall be revised as follows:

5.11.1.4 Overall final assessment of findings, classified in one of the following categories (the assessment statement is only the word or phrase within the quotation marks):

RHB 5.11.1.4.1 shall be revised as follows:

5.11.1.4.1 “Negative.” Nothing to comment upon (if the interpreting physician is aware of clinical findings or symptoms, despite the negative assessment, these shall be documented and addressed);

RHB 5.11.1.4.2 shall be revised as follows:

5.11.1.4.2 “Benign.” Also a normal result, with benign findings present, but no evidence of malignancy (if the interpreting physician is aware of clinical findings or symptoms, despite the benign assessment, these shall be documented and addressed);

RHB 5.11.1.4.5 shall be revised as follows:

5.11.1.4.5 “Highly Suggestive of Malignancy.” Finding(s) has a high probability of being malignant;

RHB 5.11.1.4.6 shall be added as follows:

5.11.1.4.6 “Known Biopsy – Proven Malignancy.” Reserved for known malignancies being mammographically evaluated for definitive therapy; and

RHB 5.11.1.4.7 shall be added as follows:

5.11.1.4.7 “Post-Procedure Mammogram for Marker Placement.” Reserved for a post-procedure mammogram used to confirm the deployment and position of a breast tissue marker.

RHB 5.11.1.5 shall be revised as follows:

5.11.1.5 In cases where no final assessment category can be assigned due to incomplete work-up, one of the following classification statements shall be assigned as an assessment and reasons why no final assessment can be made shall be stated by the interpreting physician;

RHB 5.11.1.5.1 shall be added as follows:

5.11.1.5.1 “Incomplete: Need additional imaging evaluation.” Reserved for examinations where additional imaging needs to be performed before an assessment category identified in RHB 5.11.1.4 can be given; or

RHB 5.11.1.5.2 shall be added as follows:

5.11.1.5.2 “Incomplete: Need prior mammograms for comparison.” Reserved for examinations where comparison with prior mammograms should be performed before an assessment category identified in RHB 5.11.1.4 can be given. If this assessment category is used, a follow-up report with an assessment category identified in RHB 5.11.1.4.1 through 5.11.1.4.5 must be issued within 30 calendar days of the initial report whether or not comparison views can be obtained.

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RHB 5.11.1.6 shall be revised as follows:

5.11.1.6 Overall assessment of breast density classified in one of the following categories:

RHB 5.11.1.6.1 shall be added as follows:

5.11.1.6.1 “The breasts are almost entirely fatty.”

RHB 5.11.1.6.2 shall be added as follows:

5.11.1.6.2 “There are scattered areas of fibroglandular density.”

RHB 5.11.1.6.3 shall be added as follows:

5.11.1.6.3 “The breast are heterogeneously dense, which may obscure small masses.”

RHB 5.11.1.6.4 shall be added as follows:

5.11.1.6.4 “The breasts are extremely dense, which lowers the sensitivity of mammography.”

RHB 5.11.1.7 shall be added as follows:

5.11.1.7 Recommendations made to the healthcare provider about what additional actions, if any, should be taken. All clinical questions raised by the referring healthcare provider shall be addressed in the report to the extent possible, even if the assessment is negative or benign.

RHB 5.11.2 shall be revised as follows:

5.11.2 Communication of mammography results to the patient. Each facility shall provide each patient a summary of the mammography report written in lay terms within thirty (30) calendar days of the mammographic examination which shall, at a minimum, include the name of the patient; the name, address, and telephone number of the facility performing the mammographic examination; and an assessment of breast density as described in RHB 5.11.2.3 and RHB 5.11.2.4. If the assessment of the mammography report is “Suspicious” or “Highly Suggestive of Malignancy,” the facility shall provide the patient a summary of the mammography report written in lay language within seven (7) calendar days of the final interpretation of the mammograms.

RHB 5.11.2.1 shall be revised as follows:

5.11.2.1 Patients who do not name a healthcare provider to receive the mammography report shall be sent the report described in RHB 5.11.1 within thirty (30) calendar days, in addition to the written notification of results in lay terms. If the assessment of the mammography report is “Suspicious” or “Highly Suggestive of Malignancy,” the facility shall send this report to the patient within seven (7) calendar days of the final interpretation of the mammograms.

RHB 5.11.2.2 shall be revised as follows:

5.11.2.2 Each facility that accepts patients who do not have a healthcare provider shall maintain a system for referring such patients to a healthcare provider when clinically indicated, which shall include when such patients’ mammogram assessment is either probably benign, suspicious, or highly suggestive of malignancy.

RHB 5.11.2.3 shall be added as follows:

5.11.2.3 If the mammography report identifies the patient's breast density as "The breasts are almost entirely fatty" or "There are scattered areas of fibroglandular density," the lay summary shall include the statement "Breast tissue can be either dense or not dense. Dense tissue makes it harder to find breast cancer on a mammogram and also raises the risk of developing breast cancer. Your breast tissue is not dense. Talk to your healthcare provider about breast density, risks for breast cancer, and your individual situation."

RHB 5.11.2.4 shall be added as follows:

5.11.2.4 If the mammography report identifies the breast density as "The breasts are heterogeneously dense, which may obscure small masses" or "The breasts are extremely dense, which lowers the sensitivity of mammography," the lay summary shall include the statement "Breast tissue can be either dense or not dense. Dense tissue makes it harder to find breast cancer on a mammogram and also raises the risk of developing breast cancer. Your breast tissue is dense. In some people with dense tissue, other imaging tests in addition to a mammogram may help find cancers. Talk to your healthcare provider about breast density, risks for breast cancer, and your individual situation."

RHB 5.11.3 shall be revised as follows:

5.11.3 Communication of mammography results to healthcare providers. When the patient has a referring healthcare provider or the patient has named a healthcare provider, the facility shall:

RHB 5.11.3.1 shall be revised as follows:

5.11.3.1 Provide a written report of the mammography examination, including the items listed in subsection 5.11.1 of this Section, to that healthcare provider as soon as possible, but no later than thirty (30) calendar days after the date of the mammography examinations; and

RHB 5.11.3.2 shall be revised as follows:

5.11.3.2 If the assessment is "Suspicious" or "Highly Suggestive of Malignancy," the facility shall provide a written report of the mammographic examination, including the items listed in RHB 5.11.1, to the referring healthcare provider, or if the referring healthcare provider is unavailable, to a responsible designee of the referring healthcare provider within seven (7) calendar days of the final interpretation of the mammograms.

RHB 5.11.4.1 shall be revised as follows:

5.11.4.1 Shall, except as provided in RHB 5.11.4.2, maintain the original mammograms and mammography reports in a permanent medical record of the patient for the longest of the following: a period of not less than five (5) years, or a period of not less than ten (10) years if no additional mammograms of the patient are performed at the facility. Facilities shall implement policies and procedures to minimize the possibility of loss of these records. The original mammograms must be retained in retrievable form in the mammographic modality in which they were produced. They cannot be produced by copying or digitizing hardcopy originals.

RHB 5.11.4.2 shall be revised as follows:

5.11.4.2 Shall upon request by, or on behalf of, the patient permanently or temporarily transfer the original mammograms and copies of the patient's reports to a medical institution, a physician or healthcare provider of the patient, or to the patient directly during the time specified in RHB 5.11.4.1. Transfer of the mammograms and the mammography reports must take place within fifteen (15) calendar days of the facility receiving such request. The transferred mammograms must be in the mammographic modality in which they were produced, and cannot be produced by the copying or digitizing hardcopy originals. For digital mammograms or digital

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breast tomosynthesis, if the examination is being transferred for final interpretation purposes, the facility must be able to provide the recipient with original digital images electronically;

RHB 5.11.4.3 shall be revised as follows:

5.11.4.3 Shall upon request by, or on behalf of, the patient, provide copies of mammograms or copies of mammogram reports to a medical institution, a physician or healthcare provider of the patient, or to the patient directly during the time specified in RHB 5.11.4.1. Release of the copies must take place within fifteen (15) calendar days of the facility receiving such request. For digital mammograms or digital breast tomosynthesis, if the copies are being released for final interpretation purposes, the facility must be able to provide the recipient with digital images electronically;

RHB 5.11.4.4 shall be added as follows:

5.11.4.4 Any fee charged to the patient for providing the services in RHB 5.11.4 shall not exceed the documented costs associated with this service; and

RHB 5.11.4.5 shall be added as follows:

5.11.4.5 Before a facility closes or ceases to provide mammography services, it must make arrangements for access by patients and healthcare providers to their mammographic records.

RHB 5.11.4.5.1 shall be added as follows:

5.11.4.5.1 This access may be provided by the permanent transfer of mammographic records to the patient or the patient's healthcare provider or the transfer of the mammographic records to a facility or other entity that will provide access to patients and healthcare providers. Access to the records must be provided by such other facility or entity for the remainder of the time periods specified in RHB 5.11.4.1.

RHB 5.11.4.5.2 shall be added as follows:

5.11.4.5.2 If a facility ceases to perform mammography but continues to operate as a medical entity, and is able to satisfy the recordkeeping requirements of RHB 5.11.4.1, it may choose to continue to retain the medical records rather than transfer them to another facility, unless such a transfer is requested by, or on behalf of, the patient.

RHB 5.11.4.5.3 shall be added as follows:

5.11.4.5.3 The facility must notify its accreditation body and the Department in writing of the arrangements it has made and must make reasonable efforts to notify all affected patients.

RHB 5.23.1 shall be revised as follows:

5.23.1 General Requirements. For the purposes of these audit requirements, a mammographic examination consisting of routine views of an asymptomatic patient shall be termed a screening mammogram, while a mammographic examination consisting of individualized view of a patient with breast symptoms, physical signs of breast disease, or abnormal findings on a screening mammogram shall be termed a diagnostic mammogram. Each facility shall establish a system to collect and review outcome data for all mammographic examinations performed, including follow-up on the disposition of all positive mammograms and correlation of pathology results with the interpreting physician's mammography report. In addition, for cases of breast cancer among patients imaged at the facility that subsequently become known to the facility, the facility shall promptly initiate follow-up on surgical and/or pathology results and review of the mammographic examinations taken prior to the

diagnosis of a malignancy. Analysis of these outcome data shall be made individually and collectively for all interpreting physicians and, at a minimum, shall consist of a determination of the following:

RHB 5.23.1.1 shall be added as follows:

5.23.1.1 Positive predictive value – percent of patients with positive mammograms who are diagnosed with breast cancer within one (1) year of the date of the mammographic examination.

RHB 5.23.1.2 shall be added as follows:

5.23.1.2 Cancer detection rate – of patients initially examined with screening mammograms who receive an assessment of “Incomplete: Need additional imaging evaluation,” “Suspicious,” or “Highly Suggestive of Malignancy” on the screening mammogram or on a subsequent diagnostic mammogram, the number of patients who are diagnosed with breast cancer within one (1) year of the date of the initial screening mammogram, expressed arithmetically as a ratio per one thousand (1,000) patients.

RHB 5.23.1.3 shall be added as follows:

5.23.1.3 Recall rate – percentage of screening mammograms given an assessment of “Incomplete: Need additional imaging evaluation.”

RHB 5.23.4 shall be added as follows:

5.23.4 The records and data required to demonstrate compliance with the requirements in RHB 5.23.1, RHB 5.23.2 and RHB 5.23.3 must be retained until the annual inspection that follows the facility’s analysis of that information.

RHB 5.24 title shall be revised as follows:

RHB 5.24. Additional Mammography Review and Patient and Referring Provider Notification.

RHB 5.24.1 shall be revised as follows:

5.24.1 If the Department believes that mammographic quality at a facility has been compromised and may present a significant risk to human health, the facility shall provide clinical images and other relevant information, as specified by the Department, for review by the accreditation body. The Department will determine whether the facility is in compliance with this Part and whether there is a need to notify affected patients, their referring physicians or other healthcare providers, and/or the public there is a significant risk to human health.

RHB 5.24.2 shall be revised as follows:

5.24.2 Based on the results of the additional mammography review, the facility’s failure to comply with the terms of the additional mammography review, or other information, the Department may determine that the quality of mammography performed by a facility, whether or not certified under RHB 5.4, was so inconsistent with the quality standards established in this Part as to present a significant risk to human health, the Department may require such a facility to notify all patients who received mammograms at the facility or those patients who are determined to be at risk due to the quality of their mammography, and their referring physicians or other healthcare providers, of the deficiencies and resulting potential harm, appropriate remedial measures, and such other relevant information as the Department may require. Such notification shall occur within a timeframe and in a manner specified by the Department. If the facility is unable or unwilling to perform such notification, the

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Department may notify patients and their referring physicians or other healthcare providers individually or through the mass media.

PART X DEFINITIONS

RHB 10.6 shall be revised as follows:

10.6 “Adverse event” means an undesirable experience associated with mammography activities that include, but are not limited to: poor image quality; failure to send mammography reports within thirty (30) calendar days to the referring healthcare provider or in a timely manner to the self-referred patient; and use of personnel that do not meet the requirements.

RHB 10.42 shall be revised as follows:

10.42 “Consumer” means an individual who chooses to comment or complain in reference to a mammography examination, including the patient or representative of the patient (e.g., family member or referring healthcare provider).

RHB 10.137 shall be revised as follows:

10.137 “Mammographic modality” means a technology for radiography of the breast. Examples are screen-film mammography, digital breast tomosynthesis, and full field digital mammography.

RHB 10.151 shall be revised as follows:

10.151 “MQSA” means the Mammography Quality Standards Act.

RHB 10.160 shall be revised as follows:

10.160 “Patient” means an individual or animal subjected to healing arts examination, diagnosis, or treatment, including a mammography evaluation in a facility regardless of whether the person is referred by a healthcare provider or is self-referred.

RHB 10.175 shall be revised as follows:

10.175 “Positive mammogram” means a mammogram that has an overall assessment of findings that are either “Suspicious” or “Highly Suggestive of Malignancy.”