

## **SOUTH CAROLINA STATE REGISTER DISCLAIMER**

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# SOUTH CAROLINA STATE REGISTER

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# ***SOUTH CAROLINA STATE REGISTER***

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

## **STYLE AND FORMAT**

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

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

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

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

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

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

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

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

## **2015 PUBLICATION SCHEDULE**

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

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

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/9	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**

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## **ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS**

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

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

## **EMERGENCY REGULATIONS**

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

## **REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW**

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

## **EFFECTIVE DATE OF REGULATIONS**

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

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

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In order by General Assembly review expiration date  
 The history, status, and full text of these regulations are available on the  
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

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4466	Procedures for Contested Cases	Medical, Military, Pub & Mun Affairs	Medical Affairs
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4464	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	Medical, Military, Pub & Mun Affairs	Medical Affairs
4468	Hypodermic Devices; and Drugs and Devices	Medical, Military, Pub & Mun Affairs	Medical Affairs
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4459	Landplaster	Agriculture and Natural Resources	Agriculture and Natural Resources
4480	Insurance Holding Company Systems	Labor, Commerce and Industry	Banking and Insurance
4471	Standards for Licensing Ambulatory Surgical Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4490	Plant Pests	Agriculture and Natural Resources	Agriculture and Natural Resources
4484	Standards for Licensing Community Residential Care Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4485	Standards for Wastewater Facility Construction	Agriculture and Natural Resources	Medical Affairs
4525	Securities	Judiciary	Banking and Insurance
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4483	Shellfish	Agriculture and Natural Resources	Medical Affairs
4481	Air Pollution Control Regulations and Standards	Agriculture and Natural Resources	Medical Affairs
4496	Athletic Trainers	Medical, Military, Pub & Mun Affairs	Medical Affairs
4498	Standards for Licensing Day Care Facilities for Adults	Medical, Military, Pub & Mun Affairs	Medical Affairs
4539	Consumer Electronic Equipment Collection and Recovery	Labor, Commerce and Industry	Agriculture and Natural Resources
4542	Solid Waste Management: Waste Tires	Agriculture and Natural Resources	Medical Affairs
4497	Pasteurized Milk and Milk Products	Agriculture and Natural Resources	Medical Affairs
4538	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
4541	Hazardous Waste Management Regulations	Agriculture and Natural Resources	Medical Affairs
4499	Applications and Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4500	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4501	Amend Regulations 8-115, 8-601, 8-602, 8-604, 8-607, and 8-613	Judiciary	Labor, Commerce and Industry
4503	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4508	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4507	Fees [and Fee Schedule]	Medical, Military, Pub & Mun Affairs	Medical Affairs
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4520	Fees	Agriculture and Natural Resources	Agriculture and Natural Resources
4518	Initial Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
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4524	Suspension of Certification Due to Criminal Charges and/or Indictment	Judiciary	Judiciary
4555	Article 8, Office of State Fire Marshal	Labor, Commerce and Industry	Labor, Commerce and Industry
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4549	Licensing of Mortgage Brokers	Labor, Commerce and Industry	Banking and Insurance
4533	South Carolina National Guard College Assistance Program	Education and Public Works	Education
4534	South Carolina National Guard Student Loan Repayment Program	Education and Public Works	Education

**Executive Order No. 2015-01**

**WHEREAS**, on January 13, 2015, the National Weather Service issued a Freezing Rain Advisory in effect from January 13, 2015 to January 14, 2015, forecasting periods of light freezing rain or drizzle in parts of north-central South Carolina leading to the possibility of hazardous driving conditions, which posed a threat to the safety and welfare of citizens; and

**WHEREAS**, as a result of the hazardous weather conditions, state government offices delayed opening on January 14, 2015 in accordance with county government offices in Fairfield County and Lancaster County; and

**WHEREAS**, pursuant to Section 8-11-57 of the South Carolina Code of Laws, the governor of this State may authorize leave with pay for affected state employees who are absent from work due to the closing of state offices for hazardous weather conditions.

**NOW, THEREFORE**, pursuant to the authority vested in me by the laws and Constitution of the State of South Carolina, I hereby grant leave with pay to state employees in Fairfield and Lancaster Counties for the hours missed due to the delayed opening of State offices on January 14, 2015.

This order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE  
GREAT SEAL OF THE STATE OF SOUTH  
CAROLINA, THIS 16th DAY OF JANUARY,  
2015.**

**NIKKI R. HALEY**

**Executive Order No. 2015-02**

**WHEREAS**, a vacancy exists in the office of Barnwell County Auditor as a result of the resignation of James G. Fickling, which became effective January 2, 2015; and

**WHEREAS**, the Governor is authorized to appoint a County Auditor in the event of a vacancy pursuant to Sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws; and

**WHEREAS**, Dana Williams, residing at 1009 Old Allendale Highway, Barnwell, South Carolina 29812, is a fit and proper person to serve as Barnwell County Auditor.

**NOW, THEREFORE**, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Dana Williams as Auditor of Barnwell County until her successor, Gwen Kinard, shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 23<sup>rd</sup> DAY OF JANUARY, 2015.**

**NIKKI R. HALEY**  
**Governor**

## 6 EXECUTIVE ORDERS

### Executive Order No. 2015-03

**WHEREAS**, the General Appropriations Acts for Fiscal Years 2013-14 and 2014-15 directed the Department of Health and Human Services to develop and implement a methodology to improve accountability and outcomes for the Graduate Medical Education (GME) and Supplemental Teaching Payment programs (STP); and

**WHEREAS**, to ensure that the resulting changes in policy would be developed through an open and collaborative process that allowed for the broadest range of participation from interested and affected stakeholders, the Department established the GME Advisory Group; and

**WHEREAS**, after a series of public meetings, the GME Advisory Group submitted its report in January 2014, entitled *Leveraging Graduate Medical Education to Increase Primary Care and Rural Physician Capacity in South Carolina*; and

**WHEREAS**, the report found that Medicaid GME and STP payment methodologies in South Carolina do not incorporate meaningful performance measures and are not structured to support the state's goals of developing a physician workforce that meets the needs of rural and other underserved communities; and

**WHEREAS**, although the GME Advisory Group's 2014 report recommended further research on a variety of topics, those avenues have not yet been formally explored; and

**WHEREAS**, the need to expeditiously complete this research has been further reinforced by a subsequent notice from the Centers for Medicare and Medicaid Services (CMS) that CMS would no longer allow South Carolina to use its existing STP payment methodology after July 1, 2014, which the Department successfully petitioned to extend to September 30, 2015 on the basis that it would use the additional time to gather additional public input and comment.

**NOW, THEREFORE**, pursuant to the powers conferred upon me by the Constitution and the Statutes of the State of South Carolina and the United States, I hereby establish the Medical Education Advisory Council ("Council"), which shall be constituted and shall execute its duties and responsibilities as follows:

**1. Mission:** To advise the Department of Health and Human Services in its efforts to:

- a. Improve accountability in the Medicaid medical education programs, promote the development of a "physician pipeline" that better meets the needs of rural and other underserved communities; and
- b. Obtain CMS approval of a new STP payment methodology.

**2. Membership:** The Council shall consist of at least fifteen members, one of which shall be appointed by the Chairman of the Senate Finance Committee and one of which shall be appointed by the Chairman of the House Ways and Means Committee. The remaining members shall be appointed by the Governor as follows, one of whom shall be designated by the Governor as Chair:

- a. The president of a public college or university
- b. The dean of a college of medicine accredited by the Association of American Medical Colleges
- c. The dean of a college of osteopathic medicine accredited by the American Association of Colleges of Osteopathic Medicine
- d. Five executives or board members of Medicaid-participating hospitals or health systems
- e. A physician nominated by the South Carolina Medical Association
- f. The director of a residency program in family medicine
- g. Three or more additional members, representing the academic, non-profit, philanthropic, or other communities with an interest in the Council's mission

**3. Duties and Responsibilities:**

- a. Building upon the previous work of the GME Advisory Group, the Council shall develop recommendations for South Carolina's GME and STP programs that:
- i. Promote accountability by establishing performance measures for and regular reassessments of GME/STP-funded programs;
  - ii. Evaluate various methods through which a portion of the funds currently dedicated to these programs could be targeted toward new initiatives designed to meet South Carolina's physician workforce goals;
  - iii. Place a particular emphasis on the needs of rural and underserved communities in South Carolina; and
  - iv. Provide the Department of Health and Human Services with a report that reflects the opinions, insights, and experiences of the fullest range of stakeholders and which can inform the Department's submissions to CMS.
- b. The Council shall conduct a minimum of two public meetings and may conduct more as it deems necessary. It must solicit written recommendations from interested or affected parties and provide any opportunity for public comment at each of its meetings.
- c. In making final recommendations, the Council must evaluate and consider any public testimony or written submissions.

**4. Recommendations:** The Council shall submit its recommendations to the Director of the Department of Health and Human Services, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than August 1, 2015, after which the Council shall be dissolved. This provision shall not be construed as to limit the Department's ability to establish advisory groups in the future.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 28th DAY OF JANUARY, 2015.**

**NIKKI R. HALEY**  
Governor

**Executive Order No. 2015-04**

**WHEREAS**, there exists a culture of domestic violence in the State of South Carolina, supported by South Carolina's dismal rating of second highest in the United States for the rate of women murdered by men, having previously ranked among the top ten states for the past twelve years; and

**WHEREAS**, domestic violence is a crime that most often occurs within the privacy of one's home but is in actuality a crime against the public, destabilizing families, which are the foundational building blocks of our society, and creating cycles of violence that cause harm to the health, safety, and welfare of present and future generations of South Carolinians; and

**WHEREAS**, domestic violence not only violates the foundational morals and values of people of our state but also burdens taxpayers with incalculable costs to the criminal justice system and social and other governmental services; and

**WHEREAS**, the State of South Carolina will neither continue to ignore nor tolerate domestic violence and is resolved to take action where possible to reduce the rate of domestic violence incidents and deaths; and

## 8 EXECUTIVE ORDERS

**WHEREAS**, although the General Assembly has laudably undertaken efforts to improve laws regarding domestic violence, legislation, alone, cannot overcome the culture of domestic violence in South Carolina; and

**WHEREAS**, South Carolina is home to countless nonprofit organizations and other government initiatives that exist to prevent and treat the causes and effects of domestic violence, but there is no comprehensive, statewide movement to harmonize these efforts; and

**WHEREAS**, opportunities exist in bringing together state and community leaders to comprehensively address the cultural issues surrounding domestic violence in order to strengthen our criminal justice system, improve the quantity and quality of services provided to victims and offenders, and expand education, awareness, and outreach about domestic violence to South Carolina communities.

**NOW, THEREFORE**, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, I hereby establish the Domestic Violence Task Force of South Carolina, which shall be constituted and shall execute its duties and responsibilities as follows:

**1. Mission:** To comprehensively address the cultural issues surrounding domestic violence in the State of South Carolina, including but not limited to social, economic, and geographic issues as well as professional standards and best practices within government and non-government organizations.

**2. Membership:** The Task Force shall be chaired by the Governor and shall consist of representatives from the following entities, including but not limited to:

- a. Supreme Court of South Carolina;
- b. Circuit Courts of South Carolina;
- c. Family Courts of South Carolina;
- d. Magistrate Courts of South Carolina;
- e. Senate of the State of South Carolina;
- f. House of Representatives of the State of South Carolina;
- g. South Carolina Office of the Attorney General;
- h. South Carolina Department of Education;
- i. K-12 Public School Education in South Carolina;
- j. South Carolina Department of Alcohol and Other Drug Abuse Services;
- k. South Carolina Department of Corrections;
- l. South Carolina Department of Employment and Workforce;
- m. South Carolina Department of Juvenile Justice;
- n. South Carolina Department of Labor, Licensing and Regulation;
- o. South Carolina Department of Probation, Parole and Pardon Services;
- p. South Carolina Department of Public Safety;
- q. South Carolina Department of Social Services;
- r. South Carolina State Law Enforcement Division;
- s. South Carolina Department of Mental Health;
- t. South Carolina Department of Health and Environmental Control;
- u. South Carolina Commission on Higher Education;
- v. South Carolina Commission on Prosecution Coordination;
- w. South Carolina Criminal Justice Academy
- x. South Carolina State Board of Cosmetology;
- y. South Carolina State Board of Medical Examiners;
- z. South Carolina State Board of Nursing;
- aa. South Carolina Coalition Against Domestic Violence and Sexual Assault;
- bb. South Carolina Crime Victims' Council;
- cc. South Carolina Victim Assistance Network;
- dd. Professionals from Batterer Intervention Programs South Carolina Hospital Association;

- ee. South Carolina Jail Administrators Association;
- ff. South Carolina Police Chiefs Association;
- gg. South Carolina Sheriffs' Association;
- hh. South Carolina Legal Services;
- ii. South Carolina Association of Counties;
- jj. Municipal Association of South Carolina;
- kk. South Carolina Hospital Association;
- ll. South Carolina State Housing Finance & Development Authority;
- mm. Members of Faith-Based Communities;
- nn. Members of the Public, including Survivors of Domestic Violence.

**3. Duties and Responsibilities:**

- a. The Task Force shall be divided into divisions to study and make recommendations to improve areas affecting domestic violence, including but not limited to:
  - i. The criminal justice system;
  - ii. Services for victims and offenders; and
  - iii. Community awareness, education and outreach.
  
- b. The Task Force shall conduct its work in phases, which shall include but not be limited to:
  - i. Surveying and collecting data and information from counties and regions of the state;
  - ii. Identifying specific problems and creating proposed solutions;
  - iii. Implementing or beginning to implement, where possible, approved proposals; and
  - iv. Assessing short- and long-term goals for combatting and preventing domestic violence in the future.
  
- c. The divisions of the Task Force shall discuss and develop specific objectives within each phase prior to commencing work.

**4. Reports:** The divisions shall submit reports of their work to the Governor at the end of each phase. The Task Force shall issue a final report no later than December 31, 2015, after which the Task Force shall be dissolved.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 29th DAY OF JANUARY, 2015.**

**NIKKI R. HALEY  
Governor**



## **10 EXECUTIVE ORDERS**

### **Executive Order No. 2015-05**

**WHEREAS**, a vacancy will exist in the office of Calhoun County Probate Judge as a result of the resignation of Frederick W. Robinson, which will be effective January 31, 2015; and

**WHEREAS**, the Governor is authorized to appoint a Probate Judge in the event of a vacancy pursuant to Sections 4-11-20 and 14-23-50 of the South Carolina Code of Laws; and

**WHEREAS**, Kathryn Strickland Brown, residing at 38 Chipper Lane, St. Matthews, South Carolina 29135, is a fit and proper person to serve as Probate Judge of Calhoun County.

**NOW, THEREFORE**, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Kathryn Strickland Brown as Probate Judge of Calhoun County for the unexpired term and until the next general election for this office and her successor shall qualify.

This order shall take effect on January 31, 2015.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 30<sup>th</sup> DAY OF JANUARY, 2015.**

**NIKKI R. HALEY  
Governor**

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

## NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication February 27, 2015 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 Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-4200.

Affecting Beaufort County

Provision of Elective Percutaneous Coronary Intervention (PCI) Without On-Site Cardiac Backup.

**Beaufort County Memorial Hospital d/b/a Beaufort Memorial Hospital**

Beaufort, South Carolina

Project Cost: \$0

Renovation to an existing facility for the purchase and installation of a Siemens 3T MRI.

**Hilton Head Health System, L.P. d/b/a Hilton Head Hospital - Bluffton Medical Campus**

Bluffton, South Carolina

Project Cost: \$2,074,992

Affecting Charleston County

Renovation to an existing facility for the purchase and installation of a Varian TrueBeam Linear Accelerator.

**Medical University Hospital Authority d/b/a MUSC Hollings Cancer Center - North Charleston**

North Charleston, South Carolina

Project cost: \$8,131,422

Affecting Dillon County

Establishment of a new outpatient Narcotic Treatment Program in Dillon County.

**Stephen I. Merlin d/b/a Starting Point of Dillon**

Dillon, South Carolina

Project cost: \$490,000

Affecting Horry County

Renovation of an existing facility to install a hybrid operating room (OR).

**St. Francis Hospital, Inc. d/b/a Bon Secours St. Francis – Downtown**

Greenville, South Carolina

Project Cost: \$2,876,223

Establishment of a new Narcotics Treatment Program in Greenville County.

**Greenville County Commission on Alcohol and Drug Abuse d/b/a Phoenix Center Medication Assisted Treatment Program**

Greenville, South Carolina

Project Cost: \$640,000

## 12 NOTICES

Affecting Jasper County

Establishment of a new Home Health Agency limited to providing services in Jasper County.

**Progressive Speech Therapy Services, LLP**

Savannah, Georgia

Project Cost: \$0

Affecting Lexington County

Construction of a new sixty (60) bed non-institutional nursing home.

**Wellmore of Lexington, LLC**

Lexington, South Carolina

Project Cost: \$14,805,485

Affecting York County

Conversion of Level IIE Enhanced Perinatal Center to Level III Subspecialty Perinatal Center.

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

Rock Hill, South Carolina

Project Cost: \$154,964

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from February 27, 2015. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Robert B. "Sam" Phillips, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

Affecting Beaufort County

Renovation of an existing facility to expand its Intensive Care Unit (ICU) with no overall increase in total bed count.

**Beaufort County Memorial Hospital d/b/a Beaufort Memorial Hospital**

Beaufort, South Carolina

Project Cost: \$5,492,729

Affecting Horry County

Renovation and expansion of an existing facility for the transfer (under the same Licensee) of fifty-five (55) acute care beds from McLeod Loris to McLeod Seacoast Hospital for a total of one hundred twenty eight (128) acute care beds at McLeod Seacoast Hospital and a total of sixty (60) acute care beds at McLeod Loris.

**McLeod Loris Seacoast Hospital d/b/a McLeod Seacoast Hospital**

Little River, South Carolina

Project Cost: \$73,285,878

Affecting Jasper County

Acquisition of a Da Vinci SI Firefly System at a total project cost of.

**Coastal Carolina Medical Center, Inc. d/b/a Coastal Carolina Hospital**

Hardeeville, South Carolina

Project Cost: \$3,138,317

Affecting Spartanburg County

Establishment of a new Narcotics Treatment Program in Spartanburg County.

**Palmetto Carolina Treatment Center, LLC**

Spartanburg, South Carolina

Project Cost: \$214,464

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

### NOTICE OF GENERAL PUBLIC INTEREST

#### NOTICE OF INTENT TO REVISE THE SIP

#### REDESIGNATION DEMONSTRATION AND MAINTENANCE PLAN FOR THE YORK COUNTY PORTION OF THE CHARLOTTE-GASTONIA-ROCK HILL NC-SC NONATTAINMENT AREA

**Statutory Authority:** The Clean Air Act, 42 U.S.C. Section 7401 *et seq.*; 42 U.S.C. Sections 7407, 7410, and 7505a; 40 CFR Part 51.102; S.C. Code Ann. Section 48-1-10 *et seq.* (2008 & Supp. 2013)

#### South Carolina Air Quality Implementation Plan:

**NOTICE IS HEREBY GIVEN**, the Department of Health and Environmental Control (Department) proposes to submit a redesignation demonstration and maintenance plan for the South Carolina Air Quality Implementation Plan, also known as the State Implementation Plan, or SIP, to the Environmental Protection Agency (EPA).

#### Opportunity for Public Comment:

Interested persons are invited to present their views in writing to Roger Jerry; Division of Air Assessment, Innovations and Regulation, Bureau of Air Quality; 2600 Bull Street; Columbia, SC 29201. Comments may also be submitted via email to [jerryre@dhec.sc.gov](mailto:jerryre@dhec.sc.gov). To be considered, comments must be received no later than 5:00 p.m. on March 30, 2015, the close of the drafting comment period. The Department is also providing the public with the opportunity to request a public hearing on the issue. A public hearing has been planned for March 30, 2015, at 1 p.m. in the Wallace Room (3141), 2600 Bull Street, Columbia, South Carolina. The public is invited to attend. However, pursuant to 40 CFR 51.102, if no request for a public hearing is received by the close of the comment period (March 30, 2015), the hearing will be cancelled. If a public hearing has been cancelled, the Department will notify the public at least one week prior to the scheduled hearing via the “Scheduled Public Hearings” link on the webpage at <http://www.scdhec.gov/PublicNotices/sip/>. Interested parties are also encouraged to contact Roger Jerry at (803) 898-1799 or [jerryre@dhec.sc.gov](mailto:jerryre@dhec.sc.gov) for more information or to determine whether a public hearing has been cancelled.

#### Synopsis:

On March 27, 2008 (73 FR 16436), the EPA promulgated amendments to the National Ambient Air Quality Standards (NAAQS) for ozone. On July 20, 2012 (77 FR 30088), the EPA designated and classified a portion of York County, South Carolina within the Rock Hill Fort Mill Area Transportation Study (RFATS) Metropolitan Planning Organization (MPO) as a marginal nonattainment area for the 8-hour ozone NAAQS as part of the Charlotte-Gastonia-Rock Hill NC-SC Nonattainment Area.

Air quality monitoring data from 2012 to 2014 indicate that all monitors within the Charlotte-Gastonia-Rock Hill NC-SC Nonattainment Area currently meet the 2008 8-hour ozone NAAQS of 0.075 ppm. The proposed SIP revision would request that the EPA redesignate the York County portion of the Charlotte-Gastonia-Rock Hill NC-SC Nonattainment Area to attainment for the 2008 8-hour ozone NAAQS. The plan would also provide

## 14 NOTICES

a maintenance plan which fulfills the requirements of Section 175A of the Clean Air Act as amended, and ensure the area remains in attainment of the 2008 8-hour ozone NAAQS through 2026. Documents relating to this redesignation request and maintenance plan will be available via the Department's website at:

<http://www.scdhec.gov/HomeAndEnvironment/Air/MostCommonPollutants/NonAttainmentAreas/>

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than March 30, 2015 to:

Contractor Certification Program  
South Carolina Department of Health and Environmental Control  
Bureau of Land and Waste Management - Underground Storage Tank Program  
Attn: Michelle Dennison  
2600 Bull Street  
Columbia, SC 29201

The following company has applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

#### **Class I**

##### **URS Corporation, Inc.**

Attn: Ronald P. Paulling  
4016 Salt Pointe Pkwy, Ste 200  
Charleston, SC 29405

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

**NOTICE OF GENERAL PUBLIC INTEREST**

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

Mandatory codes include the:

2015 Edition of the International Building Code;  
2015 Edition of the International Residential Code;  
2015 Edition of the International Fire Code;  
2015 Edition of the International Plumbing Code;  
2015 Edition of the International Mechanical Code;  
2015 Edition of the International Fuel Gas Code;  
2014 Edition of the National Electrical Code.

Permissive codes include the:

2015 Edition of the International Property Maintenance Code;  
2015 Edition of the International Existing Building Code;  
2015 Edition of the International Swimming Pool and Spa Code  
2015 Edition of the International Performance Code for Buildings and Facilities.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Roger K. Lowe, Council Administrator, at PO Box 11329, Columbia, SC 29211-1329, on or before April 1, 2015.

**REVENUE AND FISCAL AFFAIRS OFFICE  
BOARD OF ECONOMIC ADVISORS**

**NOTICE OF GENERAL PUBLIC INTEREST**

We have calculated the increase in the limit on compensation for noneconomic damages on a medical malpractice claim. Pursuant to Section 15-32-220(F), the limit on civil liability for noneconomic damages on a medical malpractice claim is adjusted each fiscal year based on the increase or decrease in the ratio of the Consumer Price Index for All Urban Consumers as of December 31 of the previous calendar year. The adjustment is a cumulative index using a base year 2004. The 2004 base year was adopted to be consistent with the timing of the enacting legislation. As of December 31, 2014, the Index published by the Bureau of Labor Statistics, *Monthly Labor Review*, Table 38, "Consumer Price Index for All Urban Consumers", increased by 23.4% from a value of 190.3 in December 2004 to 234.812 in December 2014. Therefore, the limit not to exceed \$350,000 would increase to \$431,865 against a single health care provider and a health care institution for each claimant for civil liability for noneconomic damages on medical malpractice claims when final judgment is rendered. Also, the limit not to exceed \$1,050,000 would increase to \$1,295,600 for all health care providers and all health care institutions for each claimant for civil liability for noneconomic damages on medical malpractice claims. The adjusted limitations on compensation for noneconomic damages become effective upon publication in the *State Register* pursuant to Section 1-23-40(2).

**REVENUE AND FISCAL AFFAIRS OFFICE  
BOARD OF ECONOMIC ADVISORS**

**NOTICE OF GENERAL PUBLIC INTEREST**

We have calculated the increase in the limit on punitive damages awarded to each claimant that is entitled to an award. Pursuant to Section 15-32-530(D), the limit on punitive damage awards is adjusted each calendar year based on the increase or decrease in the ratio of the Consumer Price Index for All Urban Consumers as of December 31 of the previous calendar year. The adjustment is a cumulative index using a base year 2010. The 2010 base year was adopted to be consistent with the timing of the enacting legislation. As of December 31, 2013, the Index published by the Bureau of Labor Statistics, *Monthly Labor Review*, Table 38, "Consumer Price Index for All Urban Consumers", increased by 7.1% from a value of 219.179 in December 2010 to 234.812 in December 2014. Therefore, the limit not to exceed \$500,000 would increase to \$535,665 to each claimant entitled to a punitive damage award. The adjusted limitations on an award for punitive damages become effective upon publication in the *State Register* pursuant to Section 1-23-40(2).

**OFFICE OF THE GOVERNOR**

## CHAPTER 58

Statutory Authority: 1976 Code Sections 25-1-420 et seq.

**Notice of Drafting:**

The Office of the Governor proposes amending Regulation 58-1, Local Emergency Preparedness Standards. Interested persons may submit written comments to Danielle Maynard, Legal Counsel, South Carolina Emergency Management Division, 2779 Fish Hatchery Road, West Columbia, South Carolina 29172, or via email at [dmaynard@emd.sc.gov](mailto:dmaynard@emd.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on March 6, 2015, the close of the drafting period.

**Synopsis:**

The Office of the Governor proposes amending the current version of Regulation 58-1 to comply with current standards of practice. This redrafting will help delineate the counties' and municipalities' responsibilities in emergency management.

Legislative review of this revision is required.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

## CHAPTER 30

Statutory Authority: 1976 Code Sections 48-39-10 et seq.

**Notice of Drafting:**

The South Carolina Department of Health and Environmental Control proposes to amend R.30-21 *Beachfront Management Plan*, the Department's Coastal Division regulations related to permitting in the critical areas of the Coastal Zone. Interested persons may submit comments in writing to: Elizabeth von Kolnitz, Office of Ocean and Coastal Resource Management, S.C. Department of Health and Environmental Control, 1362 McMillan Avenue, Suite 400, Charleston, S.C., 29405 or by email at [Elizabeth.Vonkolnitz@dhec.sc.gov](mailto:Elizabeth.Vonkolnitz@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on March 30, 2015 the close of the initial drafting comment period.

**Synopsis:**

In 1988, the South Carolina Beachfront Management Act established a comprehensive statewide beachfront management program and set forth policies that called for the state to "create a comprehensive, long-range beach management plan...for the protection, preservation, restoration, and enhancement of the beach/dune system" (SC Code of Laws Section 48-39-260(2)). The State Beachfront Management Plan (Plan) was created and adopted pursuant to the Administrative Procedures Act in 1992, and resides within the Department's Coastal Division regulations (R.30-21). The Plan contains goals, objectives, and policies that guide the management of the state's beachfront. Goal statements are derived from Section 48-39-260 and represent broad courses of action relating to improved management of the beach/dune system, protection of endangered species, implementation of retreat policies, response to disasters, and improved public access and awareness. It also contains objectives and specific policy statements that identify strategies to implement the stated goals. The Plan can be used by the Department to exercise regulatory authority.



## 18 DRAFTING NOTICES

The Department is proposing to modify R.30-21 *Beachfront Management Plan* to ensure policies are congruent with current regulations under other sections of the Department's Coastal Division regulations and reflect the most current and accurate data available.

General Assembly review is required for these amendments.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 30

Statutory Authority: 1976 Code Sections 48-39-10 et seq.

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

The South Carolina Department of Health and Environmental Control proposes to amend R.30-1.D *Definitions*, R.30-5 *Exceptions*, R.30-9 *Other Provisions*, R.30-13 *Specific Project Standards for Beaches and Dunes*, R.30-14 *Administrative Procedures*, and R.30-15 *Activities Allowed Seaward of the Baseline*, and R.30-16 *Documentation Requirements Before Commencing Activities Between Setback line and Baseline*, the Department's Coastal Division regulations related to permitting in the critical areas of the Coastal Zone. Interested persons may submit comments in writing to: Elizabeth von Kolnitz, Office of Ocean and Coastal Resource Management, S.C. Department of Health and Environmental Control, 1362 McMillan Avenue, Suite 400, Charleston, S.C., 29405 or by email at [Elizabeth.Vonkolnitz@dhec.sc.gov](mailto:Elizabeth.Vonkolnitz@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on March 30, 2015 the close of the initial drafting comment period.

#### **Synopsis:**

The Department convened a Blue Ribbon Committee on Shoreline Management for the purpose of recommending improvements to the management of South Carolina's coastal shorelines. The Blue Ribbon Committee examined current conditions, considered outcomes of an ad hoc technical committee on shoreline change, and made recommendations for improvements in management of the state's beachfront jurisdictional area. The proposed modifications to state regulations will be based on these final recommendations and will provide clarity and specific standards to be utilized in the management of the State's beaches and dunes, evaluation of beachfront permit applications and notifications, and administrative procedures for issuance of emergency orders within the Department's beachfront jurisdiction. Proposed amendments will also modify specific procedures under R.30-13 and R.30-15 for issuance of emergency orders for golf courses to comply with Act 147 that was effective April 7, 2014.

General Assembly review is required for these amendments.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Section 44-1-140

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

The South Carolina Department of Health and Environmental Control proposes to repeal Regulation 61-49, Crabmeat. Interested persons are invited to submit their views and recommendations in writing to Charles Gorman, P.G., Division of Water Monitoring, Assessment and Protection, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201, or by email at [gormancm@dhec.sc.gov](mailto:gormancm@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on March 30, 2015, the close of the drafting comment period.

**Synopsis:**

This regulation addresses the storing, processing and handling of crabmeat and was last updated in 1976. Currently, there are no crabmeat processing facilities in the state operating under this regulation, and no facility has operated under this regulation since 2001. This regulation is not required by statute. The implementing statute, South Carolina Code Section 44-1-140 (1976 Code of Laws, as amended), authorizes, but does not require the Department to promulgate and enforce rules and regulations for the storing, processing, and handling of crustaceans, which includes crabs.

The regulation should be repealed because it is out-of-date and duplicative of more up-to-date state and federal regulations that address the storing, processing and handling of seafood, including crab. The South Carolina Code of Laws, Section 39-25-180(K) and (L) incorporates by reference the federal Food, Drug and Cosmetic Act and associated federal regulation that address the storage, processing and handling of fish and fishery products (Code of the Federal Registers, Fish and Fishery Products, Title 21 Section 123; 21 CFR 123). The definition of “Fish” in federal regulation 21 CFR 123 includes crustaceans (crabs). A crab processor would be required to have and follow a Hazard Analysis and Critical Control Point (HACCP) plan as defined in 21 CFR 123. A HACCP plan contains requirements for the storage, processing and handling of food products, in this case crab meat, to protect human health.

In summary, Regulation 61-49 is not required by state law and should be repealed because it is duplicative of more up-to-date state and federal regulations that serve to protect human health.

Legislative review is required.

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

Statutory Authority: 1976 Code Sections 44-1-140(7) and 44-55-2310 et seq.

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend R.61-50, Natural Public Swimming Areas. Interested persons may submit their views in writing to Mr. Richard A. Welch, PE, Drinking Water Protection Division, Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201 or by email at [welchra@dhec.sc.gov](mailto:welchra@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on March 30, 2015, the close of the drafting comment period.

**Synopsis:**

The Department proposes to amend R.61-50, to update the water quality standard for fresh water recreation. Specifically, changes to R.61-50.C(7) are necessary to enable the Department to maintain one water quality standard for fresh water recreation. The Department is proposing to change from a fecal coliform standard to an E. coli standard. This change will allow the Department to maintain consistency with other Department regulations and water quality standards. There may also be changes and revisions to correct grammar, punctuation or citations.

Legislative review is required.

## 20 DRAFTING NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-34-10 et seq.

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

The Department of Health and Environmental Control proposes to amend Regulation 61-111, *Standards for Licensing Tattoo Facilities*. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at HealthRegComm@dhec.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. March 30, 2015, the close of the comment period.

#### **Synopsis:**

The Department of Health and Environmental Control proposes to amend Regulation 61-111, *Standards for Licensing Tattoo Facilities*. Regulation 61-111 has not been substantively updated since its promulgation in 2006. The amendment is necessary to update definitions, references, and codification. In addition, the amendment will include updates to provisions relating to reporting requirements, licensing requirements, infection control and sterilization, design and construction, and fire and life safety. The Department also intends to add language to incorporate current provider-wide exceptions and memoranda that are applicable to tattoo facilities. The Department may also include stylistic changes for internal consistency, clarification of wording, grammatical errors, outlining and codification, and any other changes that may be necessary for overall improvement of the regulation.

Legislative review will be required.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-32-10 et seq.

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

The Department of Health and Environmental Control proposes to amend Regulation 61-109, *Standards for Permitting Body Piercing Facilities*. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at HealthRegComm@dhec.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. March 30, 2015, the close of the comment period.

#### **Synopsis:**

The Department of Health and Environmental Control proposes to amend Regulation 61-109, *Standards for Permitting Body Piercing Facilities*. Regulation 61-109 has not been substantively updated since 2002. This amendment is necessary to update definitions, references, and codification. The amendment also pertains to provisions including licensing requirements, reporting requirements, client rights, infection control and sterilization, regulation enforcement, emergency procedures, fire and life safety requirements, and construction design requirements. The Department also intends to add language to incorporate current provider-wide exceptions applicable to body piercing facilities. The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, codification, and overall improvement of the text of the regulation.

Legislative review will be required.

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

Statutory Authority: 1976 Code Section 44-55-40

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend Regulation 61-71, Well Standards. Interested persons are invited to submit their views and recommendations in writing to Charles Gorman, P.G., Division of Water Monitoring, Assessment and Protection, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201, or by email at [gormancm@dhec.sc.gov](mailto:gormancm@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on March 30, 2015, the close of the drafting comment period.

**Synopsis:**

The Department proposes to make the following amendments to Regulation 61-71. The separation distance between individual residential and irrigation wells and septic tank/tile fields will be changed from 50 feet to 75 feet. The change from 50 feet to 75 feet will make R. 61-71 consistent with the On-site Wastewater Systems Regulation 61-56. R. 61-56 requires a 75-foot separation distance between an individual well (private well) and septic tank/tile field (onsite wastewater system).

Underground injection wells will be added to the list of wells that are regulated under R.61-71. Underground injection wells should be added to R.61-71 because the Underground Injection Control Regulation, R.61-87 cites R.61-71 as the construction standards for underground injection wells. The definitions for injection well and injection, as defined in R. 61-87, will be added to R.61-71.

The Department also may include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation.

Legislative review is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF EXAMINERS IN OPTICIANRY**

CHAPTER 96

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-38-60, and 40-38-250

**Notice of Drafting:**

The South Carolina Board of Examiners in Opticianry proposes to amend its regulations to clarify the waiting period after unsuccessful examination attempts; to clarify that apprenticeship is a training period and not a subclass of practice; and to adjust continuing education requirements to comport with biennial licensure. Interested persons may submit comments to Angie Combs, Administrator, State Board of Examiners in Opticianry, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The South Carolina Board of Examiners in Opticianry proposes to amend its regulations regarding examination attempts, apprenticeship, and continuing education requirements.

Legislative review of this amendment is required.

## 22 PROPOSED REGULATIONS

Document No. 4562

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS  
CHAPTER 93**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-35-60, and 40-35-70

- 93-50. General Definitions.
- 93-60. Board of Examiners; Officers and Duties.
- 93-65. Operating a Facility Without a License.
- 93-70. Pre-examination and Licensing Requirements.
- 93-80. Administrator-in-Training Program Requirements.
- 93-100. Fees [and Fee Schedule].
- 93-110. Examination; Scheduling and Grading.
- 93-120. Initial Licenses.
- 93-130. Provisional Licenses.
- 93-150. Inactive or Retired Status Licenses.
- 93-160. Registration of Licenses.
- 93-170. Display of Certificate and Normal Work Hours.
- 93-200. Continuing Education for Relicensure.
- 93-210. Reinstatement of Lapsed License.
- 93-220. Complaints.
- 93-230. Suspension and Revocation of License.
- 93-240. Hearing Procedure.
- 93-250. Conduct of Hearing.
- 93-260. Applicability, Legal Effect and Severability of Regulations.

### **Preamble:**

The Board of Long Term Health Care Administrators proposes to amend regulations to comport with Act 271, which passed during the 2013-2014 session. Act 271 updated the definitions of practical experience in nursing home administration, related health care administration, community residential care facility administrator work experience, and work experience in a health related field other than in a community residential care facility. The Act also modified the licensure requirements for nursing home administrators and community residential facility administrators.

### Section-by-Section Discussion

93-50. General Definitions.

- A. Delete.
- B. Renumbered.
- C.-E. Delete.
- F.-J. Renumbered.
- K.-L. Delete.
- M. Renumbered.
- N. Delete.
- O.-U. Renumbered.

93-60. Board of Examiners; Officers and Duties.

- A.-B. No Changes.

93-65. Operating a Facility Without a License.

- A.-B. (3) No Changes.
- B.(4) Delete zip code reference and change twenty to forty mile radius.

93-70. Pre-examination and Licensing Requirements.

Change title to: Additional combination of education and experience acceptable by the Board; Criminal Background Check; Completion of probation or parole.

- A. Delete and replace.
- B.-D. No Change.

93-80. Administrator-in-Training Program Requirements.

- A. Replace he with the candidate.
- A.1. Capitalize Bacculaureate.
- A.1.(a)-(b) Capitalize Bacculaureate, delete administration and add related degree.
- A.2. Replace a health related associate degree or bacculaureate degree with at least an Associate degree.
- A.2.(a)-(b) Capitalize Associate, delete degree, add higher and delete bacculaureate.
- B. Change the to a.
- C. No changes.
- D.1. No changes.
- D.2. Delete.
- D.3. Renumbered.
- D.4.(a)-(b) Renumbered, add language for number of years licensed and as determined by the Board related to knowledge of third party funding.
- E. Change to shall to may.
- F.-L.2. No changes.

93-100. Fees [and Fee Schedule].

- A. No change.
- B. Changes to reference fees in Chapter 10-21 and link to Board of Board of Long Term Health Care Administrators website where the fees will also appear.
- C.-D. Repeal.
- Attachment A. Repeal.

93-110. Examination; Scheduling and Grading.

- A.-C. No changes.
- D. Delete before he takes and add prior to.
- E.-F. No changes.
- G. Delete notified, add provided with a documented report, and delete by mail only.
- H.-K. No changes.

93-120. Initial Licenses.

- A.-B. No changes.

93-130. Provisional Licenses.

- A. Revises for clarity.
- B.-J. No changes.

## 24 PROPOSED REGULATIONS

93-150. Inactive or Retired Status Licenses.

No changes.

93-160. Registration of Licenses.

No changes.

93-170. Display of Certificate and Normal Work Hours.

No changes.

93-200. Continuing Education for Relicensure.

No changes.

93-210. Reinstatement of Lapsed License.

- A. No changes.
- B. Revises for clarity.

93-220. Complaints.

- A.-B. No changes.
- C. Change shall to may.
- D. Delete Licensed and change case on administrator.
- E.-F. No changes.

93-230. Suspension and Revocation of License.

No changes.

93-240. Hearing Procedure.

- A. Revise to reference Section 40-1-80.
- B. No changes.

93-250. Conduct of Hearing.

- A. Change to reference Section 40-1-90.
- B. Clarifies that hearing is before Board.
- C.-D. No changes.
- E. Deleted.
- F. Renumbered.
- F.(1) Deletes "or private."
- F.(2) Revised to reference costs in Section 40-1-170.
- F.(3) Revised to reference violation.
- F.(4)-(6) No changes.

93-260. Applicability, Legal Effect and Severability of Regulations.

- A.-C. No changes.
- D.-E. Deleted.

A Notice of Drafting was published in the *State Register* on September 26, 2014.

**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 a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on March 31, 2015. Written comments may be directed to Lee Ann Bundrick, Administrator, South Carolina Board of Long Term Health Care Administrators, Post Office Box 11329, Columbia, S.C. 29211-1329, no later than 5:00 p.m., March 30, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION:

Purpose: The Board of Long Term Health Care Administrators proposes to amend regulations to comport with Act 271, which passed during the 2013-2014 session. Act 271 updated the definitions of practical experience in nursing home administration, related health care administration, community residential care facility administrator work experience, and work experience in a health related field other than in a community residential care facility. The Act also modified the licensure requirements for nursing home administrators and community residential facility administrators.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-35-60, and 40-35-70.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the revised regulations and post the revised regulations on the agency's website.

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

The proposed regulations will comport with Act 271, which passed during the 2013-2014 session.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.



## **26 PROPOSED REGULATIONS**

### **Statement of Rationale:**

The updated regulations comport with Act 271, which passed during the 2013-2014 session.

### **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.