

## **SOUTH CAROLINA STATE REGISTER DISCLAIMER**

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# SOUTH CAROLINA STATE REGISTER

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

# ***SOUTH CAROLINA STATE REGISTER***

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

## **STYLE AND FORMAT**

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

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

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

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

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

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

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

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

## **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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## **PUBLIC INSPECTION OF 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  
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 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4350			Law Enforcement Officer and E-911 Officer Training and Certification (Renumber and Reorganize)	5/13/15	South Carolina Criminal Justice Academy
4372			Certification	5/13/15	South Carolina Criminal Justice Academy
4466			Procedures for Contested Cases	5/13/15	Department of Health and Envir Control
4461			Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	5/13/15	Department of Health and Envir Control
4468			Hypodermic Devices; and Drugs and Devices	5/13/15	Department of Health and Envir Control
4455			Proceedings	5/13/15	Public Service Commission
4459			Landplaster	5/13/15	Clemson University-State Crop Pest Comm.
4490			Plant Pests	5/13/15	Clemson University-State Crop Pest Comm.
4484			Standards for Licensing Community Residential Care Facilities	5/13/15	Department of Health and Envir Control
4485			Standards for Wastewater Facility Construction	5/13/15	Department of Health and Envir Control
4525			Securities	5/13/15	Office of the Attorney General
4482			Particle Accelerators (Title C)	5/13/15	Department of Health and Envir Control
4483			Shellfish	5/13/15	Department of Health and Envir Control
4481			Air Pollution Control Regulations and Standards	5/13/15	Department of Health and Envir Control
4345			Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	5/14/15	South Carolina Criminal Justice Academy
4480			Insurance Holding Company Systems	5/14/15	Department of Insurance
4454			Commissioners	5/15/15	Public Service Commission
4498			Standards for Licensing Day Care Facilities for Adults	5/20/15	Department of Health and Envir Control
4539			Consumer Electronic Equipment Collection and Recovery	5/20/15	Department of Health and Envir Control
4542			Solid Waste Management: Waste Tires	5/20/15	Department of Health and Envir Control
4497			Pasteurized Milk and Milk Products	5/20/15	Department of Health and Envir Control
4496			Athletic Trainers	5/20/15	Department of Health and Envir Control
4538			Certification of Need for Health Facilities and Services	5/21/15	Department of Health and Envir Control
4541			Hazardous Waste Management Regulations	5/21/15	Department of Health and Envir Control
4499			Applications and Fees	5/22/15	LLR-Board of Architectural Examiners
4500			Fees	5/22/15	LLR-State Athletic Commission
4501			Amend Regulations 8-115, 8-601, 8-602, 8-604, 8-607, and 8-613	5/22/15	LLR-Building Codes Council
4503			Fees	5/22/15	LLR-Board of Registration for Professional Engineers and Surveyors
4508			Fees	5/22/15	LLR- Manufactured Housing Board
4507	R.11	SR39-4	Fees [and Fee Schedule]	5/23/15	LLR-Board of Long Term Health Care Administrators
4506			Fees	5/23/15	LLR-Board of Registration for Geologists
4505			Fees	5/23/15	LLR-Boad of Funeral Service
4504			Fees	5/23/15	LLR-Environmental Certification Board
4509	R.12	SR39-4	Fees	5/23/15	LLR-Board of Medical Examiners
4511	R.13	SR39-4	Fees	5/23/15	LLR-Board of Examiners in Opticianry
4512			Fees	5/23/15	LLR-Board of Physical Therapy Examiners
4513	R.14	SR39-4	Fees	5/23/15	LLR-Board of Podiatry Examiners
4502	R.10	SR39-4	Fees	5/23/15	LLR-Board of Dentistry
4514			Fees	5/23/15	LLR-Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists
4515	R.15	SR39-4	Fees	5/23/15	LLR-Board of Examiners in Psychology
4516			Annual Fee Schedule	5/23/15	LLR-Real Estate Appraisers Board
4517			Fees	5/23/15	LLR- Real Estate Commission
4519			Fees	5/23/15	LLR-Soil Classifier Advisory Council
4535			Real Estate Commission	5/26/15	LLR
4520			Fees	5/26/15	LLR-Board of Veterinary Medical Examiners
4518			Initial Fees	5/26/15	LLR-Residential Builders Commission
4536			Professional Boxing, Wrestling, Kick Boxing, Off the Street Boxing, and Mixed Martial Arts	5/26/15	LLR-State Athletic Commission
4477			Defined Program, Grades 9-12 and Graduation Requirements	5/27/15	State Board of Education
4476			Defined Program 6-8	5/27/15	State Board of Education
4521			Administrative Citations and Penalties; and Fines	5/27/15	LLR-Board of Pharmacy
4464			Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	5/27/15	Department of Health and Envir Control
4471			Standards for Licensing Ambulatory Surgical Facilities	5/27/15	Department of Health and Envir Control



## 2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4491	Adult Education	5/28/15	State Board of Education
4495	Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)	5/28/15	State Board of Education
4548	Mortgage Lending	5/29/15	State Board of Financial Institutions- Consumer Finance Division
4557	Seals	5/29/15	LLR-Board of Registration for Geologists
4556	Application Fee for a Professional Geologist	5/29/15	LLR
4537	Fees	5/29/15	LLR-Building Codes Council
4554	Fees	5/29/15	LLR
4558	Recordkeeping	5/29/15	LLR-OSHA
4478	Requirements for Additional Areas of Certification	5/29/15	State Board of Education
4494	Procedures and Standards for Review of Charter School Applications	5/30/15	State Board of Education
4510	Fees	5/31/15	LLR-Board of Nursing
4530	End-of-Course Tests	6/02/15	State Board of Education
4532	Use and Dissemination of Test Results	6/02/15	State Board of Education
4523	Article 5, Adjudication of Misconduct Allegations	6/02/15	South Carolina Criminal Justice Academy
4546	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6	6/02/15	Department of Natural Resources
4555	Article 8, Office of State Fire Marshal	6/02/15	LLR-Office of State Fire Marshal
4474	Offers of Work	6/03/15	Department of Employment and Workforce
4475	Unemployment Trust Fund	6/03/15	Department of Employment and Workforce
4528	Prepaid Legal Services Certificate of Registration	6/04/15	Department of Consumer Affairs
4549	Licensing of Mortgage Brokers	6/04/15	Department of Consumer Affairs
4529	Assessment Program	6/04/15	State Board of Education
4531	Test Security	6/04/15	State Board of Education
4527	Consumer Credit Counseling Requirements	1/12/16	Department of Consumer Affairs
4533	South Carolina National Guard College Assistance Program	1/13/16	Commission on Higher Education
4534	South Carolina National Guard Student Loan Repayment Program	1/13/16	Commission on Higher Education
4524	Suspension of Certification Due to Criminal Charges and/or Indictment	1/14/16	South Carolina Criminal Justice Academy
4560	Regulations for Species or Subspecies of Non-game Wildlife	2/16/16	Department of Natural Resources
4543	Standards for Licensing Nursing Homes	2/28/16	Department of Health and Envir Control
4540	Emergency Medical Services	2/28/16	Department of Health and Envir Control
4547	Term and Conditions for the Public's Use of State Lakes and Ponds Owned or Leased by the Department of Natural Resources	2/29/16	Department of Natural Resources
4552	Horse Meat and Kangaroo Meat; Fairs, Camp Meetings, and Other Gatherings; Camps; Mobile/Manufactured Home Park; Sanitation of Schools; and Nuisances	3/14/16	Department of Health and Envir Control
4553	Standards for Licensing Hospices	3/27/16	Department of Health and Envir Control
4562	Board of Long Term Health Care Administrators	3/28/16	LLR-Board of Long Term Health Care Administrators
4563	Local Emergency Preparedness Standards	4/05/16	Office of the Governor
<b>Resolution Introduced to Disapprove</b>			
4551	Certification of Need for Health Facilities and Services	Tolled	Department of Health and Envir Control

## COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

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>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4350	Law Enforcement Officer and E-911 Officer Training and Certification (Renumber and Reorganize)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4466	Procedures for Contested Cases	Medical, Military, Pub & Mun Affairs	Medical Affairs
4461	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	Medical, Military, Pub & Mun Affairs	Medical Affairs
4468	Hypodermic Devices; and Drugs and Devices	Medical, Military, Pub & Mun Affairs	Medical Affairs
4455	Proceedings	Labor, Commerce and Industry	Judiciary
4459	Landplaster	Agriculture and Natural Resources	Agriculture and Natural Resources
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
4482	Particle Accelerators (Title C)	Medical, Military, Pub & Mun Affairs	Medical Affairs
4483	Shellfish	Agriculture and Natural Resources	Medical Affairs
4481	Air Pollution Control Regulations and Standards	Agriculture and Natural Resources	Medical Affairs
4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4480	Insurance Holding Company Systems	Labor, Commerce and Industry	Banking and Insurance
4454	Commissioners	Labor, Commerce and Industry	Judiciary
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
4496	Athletic Trainers	Medical, Military, Pub & Mun Affairs	Medical Affairs
4538	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
4541	Hazardous Waste Management Regulations	Regulations and Admin. Procedures	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
4506	Fees	Agriculture and Natural Resources	Labor, Commerce and Industry
4505	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4504	Fees	Agriculture and Natural Resources	Labor, Commerce and Industry
4509	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4511	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4512	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4513	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4502	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4514	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4515	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4516	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4517	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4519	Fees	Agriculture and Natural Resources	Labor, Commerce and Industry
4535	Real Estate Commission	Labor, Commerce and Industry	Labor, Commerce and Industry
4520	Fees	Agriculture and Natural Resources	Agriculture and Natural Resources
4518	Initial Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4536	Professional Boxing, Wrestling, Kick Boxing, Off the Street Boxing, and Mixed Martial Arts	Labor, Commerce and Industry	Labor, Commerce and Industry
4477	Defined Program, Grades 9-12 and Graduation Requirements	Education and Public Works	Education
4476	Defined Program 6-8	Education and Public Works	Education
4521	Administrative Citations and Penalties; and Fines	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4464	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	Medical, Military, Pub & Mun Affairs	Medical Affairs
4471	Standards for Licensing Ambulatory Surgical Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4491	Adult Education	Education and Public Works	Education
4495	Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)	Education and Public Works	Education
4548	Mortgage Lending	Labor, Commerce and Industry	Banking and Insurance
4557	Seals	Labor, Commerce and Industry	Labor, Commerce and Industry
4556	Application Fee for a Professional Geologist	Labor, Commerce and Industry	Labor, Commerce and Industry
4537	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4554	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4558	Recordkeeping	Labor, Commerce and Industry	Labor, Commerce and Industry

#### 4 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4478	Requirements for Additional Areas of Certification	Education and Public Works	Education
4494	Procedures and Standards for Review of Charter School Applications	Education and Public Works	Education
4510	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4530	End-of-Course Tests	Education and Public Works	Education
4532	Use and Dissemination of Test Results	Education and Public Works	Education
4523	Article 5, Adjudication of Misconduct Allegations	Judiciary	Judiciary
4546	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6	Agriculture and Natural Resources	Fish, Game and Forestry
4555	Article 8, Office of State Fire Marshal	Labor, Commerce and Industry	Labor, Commerce and Industry
4474	Offers of Work	Labor, Commerce and Industry	Labor, Commerce and Industry
4475	Unemployment Trust Fund	Labor, Commerce and Industry	Labor, Commerce and Industry
4528	Prepaid Legal Services Certificate of Registration	Labor, Commerce and Industry	Banking and Insurance
4549	Licensing of Mortgage Brokers	Labor, Commerce and Industry	Banking and Insurance
4529	Assessment Program	Education and Public Works	Education
4531	Test Security	Education and Public Works	Education
4527	Consumer Credit Counseling Requirements	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
4524	Suspension of Certification Due to Criminal Charges and/or Indictment	Judiciary	Judiciary
4560	Regulations for Species or Subspecies of Non-game Wildlife	Regulations and Admin. Procedures	Fish, Game and Forestry
4543	Standards for Licensing Nursing Homes	Regulations and Admin. Procedures	Medical Affairs
4540	Emergency Medical Services	Regulations and Admin. Procedures	Medical Affairs
4547	Term and Conditions for the Public's Use of State Lakes and Ponds Owned or Leased by the Department of Natural Resources	Regulations and Admin. Procedures	Fish, Game and Forestry
4552	Horse Meat and Kangaroo Meat; Fairs, Camp Meetings, and Other Gatherings; Camps; Mobile/Manufactured Home Park; Sanitation of Schools; and Nuisances	Regulations and Admin. Procedures	Medical Affairs
4553	Standards for Licensing Hospices	Regulations and Admin. Procedures	Medical Affairs
4562	Board of Long Term Health Care Administrators	Regulations and Admin. Procedures	Medical Affairs
4563	Local Emergency Preparedness Standards	Regulations and Admin. Procedures	General
<b>Resolution Introduced to Disapprove</b>			
4551	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs

**Executive Order No. 2015-14**

**WHEREAS**, the State of South Carolina is vulnerable to a wide range of emergencies, including natural and technological disasters caused by weapons of mass destruction, all of which threaten the life, health, and safety of its people; damage and destroy property; disrupt services and everyday business and recreational activities; and impede economic growth and development; and

**WHEREAS**, this vulnerability is exacerbated by the state's growing population, especially the growth in the number of persons residing in coastal areas, in the elderly population, in the number of seasonal vacationers, and the number of persons with special needs; and

**WHEREAS**, the state must take all prudent action to reduce the vulnerability of the people and property of this state; to prepare for the efficient evacuation and shelter of threatened of affected persons; to provide for the rapid and orderly provision of relief to persons and for the restoration of services and property; and to provide for the coordination of activities relating to emergency preparedness, response, recovery, and mitigation among and between agencies and officials of this state, with similar agencies and officials of other states, with local and federal governments, with interstate organizations, and with the private sector; and

**WHEREAS**, the Governor is responsible for the development and coordination of a system of Comprehensive Emergency Management pursuant to the South Carolina Code of Laws, Section 25-1-440 (b) and the South Carolina Emergency Management Division, Office of the Adjutant General, as established by Section 25-1-420, is responsible for coordinating the efforts of all state, county and municipal agencies and departments of developing a State Emergency Plan and maintaining a State Emergency Operations Center; and

**WHEREAS**, the South Carolina Emergency Operations Plan, dated April 15, 2015, developed pursuant to the requirement of Section 25-1-420 (a), has been reviewed and approved in accordance with the South Carolina Code of Regulations 58-101,B., as establishing the policies and procedures to be followed by South Carolina Government in executing all emergency or disaster operations.

**NOW, THEREFORE**, pursuant to the powers conferred upon me by the Constitution and laws of the State of South Carolina, I do hereby order:

Section 1. That each department or agency of the State shall be responsible for emergency services as assigned in the South Carolina Emergency Operations Plan.

Section 2. That each department or agency assigned a primary responsibility in the Plan shall maintain, as directed by the Emergency Management Division, comprehensive standard operating procedures for executing its assigned emergency services. Each department or agency assigned a support responsibility shall assist the primary department or agency in maintenance of these procedures.

Section 3. That each department or agency assigned a primary or support responsibility in the Plan shall participate in scheduled exercises of the South Carolina Emergency Management Division and shall conduct training of personnel essential to the implementation of all assigned emergency functions.

## **6 EXECUTIVE ORDERS**

Section 4. That all departments or agencies shall execute, without delay, the emergency functions so designated in the Plan or further ordered by me during any emergency or disaster through the initial use of existing agency appropriations and all necessary agency personnel, regardless of normal duty assignment.

This order shall take effect immediately. Executive Order 2011-06 is hereby rescinded.

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

**NIKKI R. HALEY  
Governor**

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**NOTICE OF GENERAL PUBLIC INTEREST**

Statutory Authority: S.C. Code Section 48-1-10 et seq.

South Carolina Regulations 61-62.5, Standard No. 7 – Prevention of Significant Deterioration; 61-62.5, Standard No. 7.1 – Nonattainment New Source Review; 61-62.63 – National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and 61-60.70 – Title V Operating Permit Program, define a source. From these definitions, two or more facilities may be collocated, or considered a single source for the purposes of the regulations.

The Department has developed a guidance document, in the form of a memo, to be used by Bureau of Air Quality (BAQ) staff in making the determinations of when two or more facilities should be collocated, or considered a single source for these regulations. This guidance will be maintained by the Department and periodically published in the South Carolina State Register. Additionally, this guidance will be maintained on the DHEC website at: <http://www.scdhec.gov/Environment/AirQuality/Training>.

If you have questions or comments, please contact Christopher Hardee, Division of Engineering Services, at (803) 898-4123.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**NOTICE OF GENERAL PUBLIC INTEREST**

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on May 22, 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 Robert B. "Sam" Phillips, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-4200.

**Affecting Charleston County**

**Medical University Hospital Authority d/b/a Medical University of South Carolina**

Construction of a new Pediatric Outpatient Imaging Center to house its imaging platform and relocate an existing CT scanner and MRI unit at a total project cost of \$39,802,936.

**Wellmore LLC d/b/a Wellmore of Daniel Island, LLC**

Construction of a non-institutional Nursing Facility (NF) with sixty (60) Long-Term Care beds at a total project cost of \$12,505,750.

**Advanced Recovery Systems, LLC d/b/a Charleston Harbor Recovery Center, LLC**

Construction of a Freestanding Medical Detoxification Facility with sixteen (16) treatment beds at a total project cost of \$2,852,633.

**Affecting Horry County**

**Grand Strand Regional Medical Center, LLC d/b/a Grand Strand Medical Center**

Renovation of an existing facility to add a third CT Scanner (GE Optima CT660) at a total project cost of \$1,026,136.

## 8 NOTICES

### Affecting Lexington County

#### **Chapin Orthopedic Surgery Center, LLC**

Construction of a general Ambulatory Surgical Facility (ASF) with two (2) operating rooms at a total project cost of \$5,724,750.

### Affecting Richland County

#### **Palmetto Health d/b/a Palmetto Health Baptist Parkridge Hospital**

Renovation of an existing facility to add new interventional radiology (IR) and diagnostic cardiac catheterization (Cath Lab) services at a total project cost of \$2,927,794.

### Affecting York County

#### **Amisub of South Carolina, Inc. d/b/a York Imaging Center**

Renovation of an existing facility to create an imaging and clinical center at a total project cost of \$1,431,546.

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 May 22, 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 Florence County

#### **McLeod Regional Medical Center of the Pee Dee, Inc.**

Renovation of an existing facility for the addition of a Hybrid OR at a total project cost of \$4,127,700.

### Affecting Greenwood County

#### **Wesley Commons d/b/a Wesley Commons Health Care Center**

Construction for the replacement of an existing nursing home facility for the reduction of beds from one hundred two (102) non-institutional nursing home beds to eighty (80) non-institutional nursing home beds at a total project cost of \$15,933,329.

### Affecting Greenville County

#### **Greenville Health System d/b/a GHS Greenville Memorial Hospital**

Renovation of an existing facility to add square footage, modernize MRI services, and add a new Philips Ingenia 1.5T Omega MRI at a total project cost of \$8,067,034.

### Affecting Spartanburg County

#### **White Oak Manor, Inc.**

Construction of a new nursing home facility to accommodate the transfer of one hundred thirty-two (132) long term care beds from an existing facility with no net change in bed count at a total project cost of \$21,255,000.

**Affecting Florence County****Trident Medical Center, LLC d/b/a Trident Medical Center**

Renovation of an existing facility for the expansion of the Emergency Department (ED), Operation Room (OR) and Post Anesthesia Care Unit (PACU) at a total project cost of \$13,622,000.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL****NOTICE OF GENERAL PUBLIC INTEREST**

The South Carolina Health Planning Committee has postponed its original scheduling of the regional public hearings regarding the Draft 2014-2015 South Carolina Health Plan. These hearings have been rescheduled and will take place at the following times and locations:

**Upstate**

Tuesday, June 9, 2015, 10:00 a.m., Greenville Health Department, 200 University Ridge, Greenville, SC 29601;

**Midlands**

Wednesday, June 10, 2015, 10:00 a.m., Department of Health and Environmental Control Headquarters, 2600 Bull Street, Columbia, SC 29201, Peebles Auditorium;

**Pee Dee**

Thursday, June 11, 2015, 10:00 a.m., Florence Health Department, 145 East Cheves Street, Florence, SC 29506;

**Lowcountry**

Friday, June 12, 2015, 10:00 a.m., Charleston Health Department's temporary site, 1362 McMillan Avenue, Charleston, SC 29405, Hennessee Room.

The South Carolina Health Planning Committee has extended the comment period through close of business on June 12, 2015. Comments may be submitted in writing via e-mail to [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov) or mail to 2600 Bull Street, Columbia, SC 29201. Alternatively, comments may be presented in person at one of the regional hearings noted above.

The Draft 2014-2015 South Carolina Health Plan is accessible via the following link: <http://www.scdhec.gov/Health/FHPF/HealthFacilityRegulationsLicensing/CertificateOfNeed/>.

For further information, (803) 545-4200.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL****NOTICE OF GENERAL PUBLIC INTEREST****NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING**

State Register Document 4568

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the *State Register* on April 24, 2015, identified as Document 4568, to promulgate amendments of Regulation 61-111, *Standards for Licensing Tattoo Facilities*. The aforementioned Notice scheduled a write-in public comment period that closed May 26, 2015, and gave notice of a Public Hearing scheduled before the Board of Health and Environmental Control for July 9, 2015.



## 10 NOTICES

The Public Hearing originally scheduled for July 9, 2015, has been cancelled and rescheduled before the Department's Board for August 13, 2015. The hearing will be held at the regularly-scheduled Board meeting on August 13, 2015, in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noticed in the Board's agenda to be published by the Department twenty-four (24) hours in advance of the meeting at <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

#### NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document 4569

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the *State Register* on April 24, 2015, identified as Document 4569, to promulgate amendments of Regulation 61-109, *Standards for Permitting Body Piercing Facilities*. The aforementioned Notice scheduled a write-in public comment period that closed May 26, 2015, and gave notice of a Public Hearing scheduled before the Board of Health and Environmental Control for July 9, 2015.

The Public Hearing originally scheduled for July 9, 2015, has been cancelled and rescheduled before the Department's Board for August 13, 2015. The hearing will be held at the regularly-scheduled Board meeting on August 13, 2015, in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noticed in the Board's agenda to be published by the Department twenty-four (24) hours in advance of the meeting at <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record.

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

**NOTICE OF GENERAL PUBLIC INTEREST**

**NOTICE OF PUBLIC HEARING**

The South Carolina Department of Labor, Licensing and Regulation and the Building Codes Council do hereby give notice under Section 6-9-40(A)(3) and (4), of the 1976 Code of Laws of South Carolina, as amended, that a public hearing will be held on May 27, 2015, at the South Carolina Fire Academy in the Denny Auditorium, 141 Monticello Trail, Columbia, SC 29203, immediately following the 10:30 a.m. Building Codes Council meeting, at which time interested persons will be given the opportunity to appear and present views to the Council's appointed Study Committee on the following building codes for use in the State of South Carolina:

Mandatory codes include the:

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; and  
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; and  
2015 Edition of the International Performance Code for Buildings and Facilities.

Any person who wishes to appear before or provide evidence or comments to the committee, or both, must submit a written notice of his or her intention to appear before the Study Committee to Roger K. Lowe, Administrator of the Building Codes Council, at the physical address stated below, or to Mr. Lowe at the email address also provided below, by or before May 25, 2015:

Roger K. Lowe, Administrator  
SC Building Codes Council  
SC Department of Labor, Licensing and Regulation  
110 Centerview Drive  
Columbia, SC  
[Roger.lowe@llr.sc.gov](mailto:Roger.lowe@llr.sc.gov)

If any person chooses not to attend the hearing, but wishes to submit evidence or comments for the committee's consideration, the evidence or comments should be sent to the same addresses provided above by or before May 25, 2015, at 5:00 P.M.

## 12 DRAFTING NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

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

The Department of Health and Environmental Control (Department) is proposing to amend Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina Air Quality Implementation Plan (State Implementation Plan or SIP). This Notice of Drafting supersedes the previous Notice of Drafting for proposed amendments to R.61-62 published in the March 27, 2015, State Register. Interested persons are invited to present their views concerning these amendments in writing to Marie F. Brown, Air Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or via electronic mail at [brownmf@dhec.sc.gov](mailto:brownmf@dhec.sc.gov). To be considered, the Department must receive comments by 5:00 p.m. on June 22, 2015, the close of the drafting comment period.

#### **Synopsis:**

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations throughout each calendar year. Recent federal amendments to 40 CFR Parts 51, 52, 60, 61, 63 and 70 include clarification, guidance and technical amendments regarding state implementation plan (SIP) requirements, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, Title V Operating Program, and revisions to testing methods.

The Department proposes to amend: Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants, and Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate by reference recent federal amendments promulgated from January 1, 2014, through December 31, 2014.

The Department also proposes to amend Regulation 61-62.70, Title V Operating Program, to codify federal amendments to these standards. On July 28, 2014 (79 FR 43661), the EPA published a final rule in the Federal Register entitled Amendments to Compliance Certification Content Requirements for State and Federal Operating Permits Programs, which replaced a sentence that was inadvertently removed from the rule. This federal amendment to 40 CFR Part 70 and 71 amends the compliance certification requirements for state and federal operating programs that were published in the Federal Register on June 27, 2003. This action restores the sentence to its original location in the federal rule. This final rule became effective on August 27, 2014.

The Department may also propose other changes to Regulation 61-62 that may include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

In accordance with 1976 Code Section 1-23-120(H), legislative review is not required because the Department proposes promulgating the amendments to maintain compliance with federal law.

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

Statutory Authority: 1976 Code Sections 44-56-410 et seq.

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend Regulation 61-33, *Drycleaning Facility Restoration*. Interested persons are invited to submit written comments to G. Kendall Taylor, P.G., Director, Site Assessment, Remediation, and Revitalization Division, Bureau of Land and Waste Management, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at [taylorgk@dhec.sc.gov](mailto:taylorgk@dhec.sc.gov). To be considered, comments must be received no later than 5:00 p.m. on June 22, 2015, the close of the drafting comment period.

**Synopsis:**

On May 21, 2013 South Carolina Governor Nikki Haley signed into law a revised version of the South Carolina Hazardous Waste Management Act. Article 4 of the Act establishes the Drycleaning Facility Restoration Trust Fund. Revisions to Article 4 were made to better organize and clarify the Act, as well as to delete obsolete provisions. The Department proposes amending R.61-33 to better conform the regulation to the revised South Carolina Hazardous Waste Management Act.

The Department may also make stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining/codification, and such other changes as may be necessary to improve the overall quality of the regulation.

Legislative review is required.

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

Statutory Authority: 1976 Code Sections 44-29-150 through 44-29-170

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend R.61-22, *Evaluation of School Employees for Tuberculosis*. Interested persons may submit written comments to Virginie Daguise, PhD, Bureau of Disease Control, South Carolina Department of Health and Environmental Control, 2100 Bull Street, Columbia, South Carolina 29201 or via email at [daguisvg@dhec.sc.gov](mailto:daguisvg@dhec.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. June 22, 2015, the close of the drafting comment period.

**Synopsis:**

The Department of Health and Environmental Control proposes to amend Regulation 61-22. This amendment pertains to provisions relating to the evaluation of school employees for tuberculosis. The Department intends to incorporate current tuberculosis evaluation and preventive treatment guidelines, clarify language relating to issuing of certificates, and provide consistency with applicable state and federal laws. The purpose of these amendments is to update and clarify the guidelines for tuberculosis screening of employees in school and day care settings.

The Department may also 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 of this amendment will be required.

## 14 DRAFTING NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Section 44-7-260

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

The Department of Health and Environmental Control proposes to amend Regulation 61-103, *Residential Treatment Facilities for Children and Adolescents*. 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. June 22, 2015, the close of the comment period.

#### **Synopsis:**

Regulation 61-103 has not been substantively updated since 1991. This amendment is necessary to update definitions, references, and codification. The amendment also pertains to provisions including licensing requirements, accident and incident reporting requirements, admission and intake requirements, client rights, program activities, infection control, inservice training, record maintenance and retention, personnel requirements, medication management, fire and life safety requirements, and construction and design requirements. The Department also intends to add language to incorporating current provider-wide exceptions and memoranda applicable to residential treatment facilities for children and adolescents. 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 Sections 44-7-110 et seq. and 44-41-10 et seq.

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

The Department of Health and Environmental Control proposes to amend Regulation 61-12, *Standards for Licensing Abortion Clinics*. 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. June 22, 2015, the close of the comment period.

#### **Synopsis:**

Regulation 61-12 has not been substantively updated since 1996. This amendment is necessary to update definitions, references, and codification. The amendment also pertains to provisions including licensing requirements, accident and incident reporting requirements, abortion reporting, inspections and violations, complaint reporting, patient rights, infection control, inservice training, record maintenance and retention, personnel requirements, fire and life safety requirements, and construction design requirements. The Department also intends to add language to incorporating current provider-wide exceptions and memoranda applicable to abortion clinics. 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 Sections 44-63-10 et seq.

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend Regulation 61-19, *Vital Statistics*. Interested persons are invited to submit written comments to Dr. Shae Sutton, Director, Division of Public Health Statistics and Information Services, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at [vrreg@dhec.sc.gov](mailto:vrreg@dhec.sc.gov). To be considered, comments must be received no later than 5:00 p.m. on June 22, 2015, the close of the drafting comment period.

**Synopsis:**

The Department proposes to amend sections 1 - 42 of R.61-19, Vital Statistics, to improve the quality, security and fraud prevention, protection of confidential information and uniformity of state data by implementing standard reporting requirements, and definitions and procedures for registering vital events as described in the 2011 Model State Vital Statistics Act and Regulations issued by the Centers for Disease Control and Prevention (CDC) National Center for Health Statistics (NCHS). The National Association of Public Health Statistics and Information Systems has also endorsed the Model Act and Regulations. Registration and certification of vital events is a responsibility of individual States, but States and the CDC NCHS cooperate and work together to build and maintain a national vital records system.

The Department may also make stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining/codification, and such other changes as may be necessary to improve the overall quality of the regulation.

Legislative review is required.

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

Statutory Authority: 1976 Code Sections 40-1-50(D), 40-1-70, 40-15-40, 40-15-400, and 40-15-410(B)

**Notice of Drafting:**

The South Carolina Department of Labor, Licensing and Regulation and the South Carolina Board of Dentistry propose to amend regulations regarding permit fees appearing in Chapter 10-12 of the S.C. Code of Regulations, in accordance with 2014 Act 222, effective January 2015, and codified at S.C. Code §40-15-400 et seq. Interested persons may submit comments to Kate K. Cox, Administrator, State Board of Dentistry, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation and the South Carolina Board of Dentistry propose to amend regulations regarding fees for the Board of Dentistry to add a fee for the dental sedation permit, established by 2014 Act 222, known as the Dental Sedation Act, which became effective January 1, 2015 and is codified at S.C. Code §40-15-400 et seq. Sections §40-15-400(G) and 40-15-410(B) mandate that the Board establish a fee for this permit.

Legislative review of this amendment is required.

## 16 DRAFTING NOTICES

### DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 71

Statutory Authority: 1976 Code Section 40-83-30(L)

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

The South Carolina Department of Labor, Licensing and Regulation proposes to repeal Article 10 of Chapter 71 of the Code of Regulations, entitled, "Registration of Immigration Assistance Services and Illegal Aliens and Private Employment." Interested persons may submit comments to Richele Keel Taylor, Director, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211-1329.

#### **Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to repeal Article 10 of Chapter 71 of the Code of Regulations, entitled, "Registration of Immigration Assistance Services and Illegal Aliens and Private Employment." The Department wishes to repeal this regulation as it no longer intends to license immigration assistance service providers.

Legislative review is required.

### DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF DENTISTRY CHAPTER 39

Statutory Authority: 1976 Code Section 40-15-40

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

The South Carolina State Board of Dentistry proposes to amend its regulations regarding continuing education in sterilization and infection control to comport with federal infection control standards. Interested persons may submit comments to Kate K. Cox, Administrator, State Board of Dentistry, Post Office Box 11329, Columbia, S.C. 29211-1329.

#### **Synopsis:**

The South Carolina State Board of Dentistry proposes to amend regulations regarding continuing education in sterilization and infection control to comport with federal infection control standards.

Legislative review of this amendment is required.

### DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF DENTISTRY CHAPTER 39

Statutory Authority: 1976 Code Section 40-15-40

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

The South Carolina State Board of Dentistry proposes to amend its regulations regarding dental sedation permits to comport with 2014 Act 222, effective January 2015 and codified at S.C. Code §40-15-400 et seq. Interested persons may submit comments to Kate K. Cox, Administrator, State Board of Dentistry, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The South Carolina State Board of Dentistry proposes to amend its regulations regarding dental sedation permits, established by 2014 Act 222, known as the Dental Sedation Act, which is effective January 1, 2015 and codified at S.C. Code 40-15-400 et seq.

Legislative review of this amendment is required.

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

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

**Notice of Drafting:**

The South Carolina Department of Labor, Licensing and Regulation, upon the advice of the South Carolina Panel for Dietetics, proposes to amend the Panel for Dietetics' regulations regarding continued competency and continuing education credits. Interested persons may submit comments to Angela Combs, Administrator, South Carolina Panel for Dietetics, Post Office Box 11329, Columbia, SC 29211-1329.

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation, upon advice of the South Carolina Panel for Dietetics, proposes to amend the Panel's regulations regarding continued competency and continuing education credits to accept the continuing education requirements of the Commission on Dietetic Registration.

Legislative approval is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF MEDICAL EXAMINERS  
CHAPTER 81**

Statutory Authority: 1976 Code Section 40-47-10(I)(3)

**Notice of Drafting:**

The South Carolina Board of Medical Examiners proposes to amend its regulations regarding the handling of patient medical records upon the death, disappearance or incapacity of a licensee. Interested persons may submit comments to Sheridan Spoon, Administrator, South Carolina Board of Medical Examiners, Post Office Box 11289, Columbia, SC 29211-1289.

**Synopsis:**

The South Carolina Board of Medical Examiners proposed to amend its regulations to safeguard patient medical records when a licensee is incapacitated, disappears, or dies.

Legislative review of this amendment is required.



## 18 DRAFTING NOTICES

### DEPARTMENT OF LABOR, LICENSING AND REGULATION COMMISSIONERS OF PILOTAGE

#### CHAPTER 136

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 54-15-10, and 54-15-140

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

The South Carolina Commissioners of Pilotage proposes to amend Regulation 136-030 for the Lower Coastal Area and amend Regulation 136-730 for the Upper Coastal Area. Interested persons may submit comments to Kate Cox, Administrator, South Carolina Commissioners of Pilotage, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211-1329.

#### **Synopsis:**

The South Carolina Commissioners of Pilotage proposes to amend Regulation 136-030 for the Lower Coastal Area and amend Regulation 136-730 for the Upper Coastal Area regarding the physical examination requirements for pilots.

Legislative review is required.

### DEPARTMENT OF LABOR, LICENSING AND REGULATION REAL ESTATE APPRAISERS BOARD

#### CHAPTER 137

Statutory Authority: 1976 Code Sections 40-1-70 and 40-60-10

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

The South Carolina Real Estate Appraisers Board proposes to amend its regulations regarding continuing education and payment of fees, and to make editorial changes. Interested persons may submit comments to Laura Smith, Interim Administrator, South Carolina Real Estate Appraisers Board, Post Office Box 11329, Columbia, S.C. 29211-1329.

#### **Synopsis:**

The South Carolina Real Estate Appraisers Board proposes to amend its regulations regarding continuing education and payment of fees, and to make editorial changes.

Legislative review of this amendment is required.

### DEPARTMENT OF REVENUE

#### CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

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

The South Carolina Department of Revenue is considering amending SC Regulation 117-307 to add a new subsection, 117-307.7, to address the application of the sales and use tax to hurricane rental insurance charges. The proposal addresses a change in policy due to the amendment of Code Section 12-36-920 by Act No. 172 of 2014. The proposal will summarize the treatment of both optional and mandatory hurricane rental insurance charges under Code Section 12-36-920. The treatment of hurricane rental insurance charges under Code Section 12-36-920 is presently set forth in an advisory opinion issued by the Department – SC Revenue Ruling #14-7.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on June 23, 2015.

**Synopsis:**

The South Carolina Department of Revenue is considering amending SC Regulation 117-307 to add a new subsection, 117-307.7, to address the application of the sales and use tax to hurricane rental insurance charges. The proposal addresses a change in policy due to the amendment of Code Section 12-36-920 by Act No. 172 of 2014. The proposal will summarize the treatment of both optional and mandatory hurricane rental insurance charges under Code Section 12-36-920.

Legislative review is required.

**DEPARTMENT OF REVENUE**  
CHAPTER 117  
Statutory Authority: 1976 Code Section 12-4-320

**Notice of Drafting:**

The South Carolina Department of Revenue is considering amending SC Regulation 117-307.1, which provides examples of the application of the sales tax imposed on various charges by hotels, motels, and similar facilities to transient customers. Code Section 12-36-920(A) imposes a 7% sales tax on accommodations on the gross proceeds of rentals of rooms or lodgings provided by hotels, motels, and similar facilities; and Code Section 12-36-920(B) imposes a sales tax on certain “additional guest charges”.

Effective July 1, 2014, Act 172 of 2014 amended Code Section 12-36-920(B) to limit additional guest charges to room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms; and amended Code Section 12-36-920(A) to provide that separately stated optional charges on a bill to a customer for amenities, entertainment, special items in promotional tourist packages, and other guest services are exempt from the 7% sales tax on accommodations.

The purpose of this regulation proposal is to revise the provisions of SC Regulation 117-307.1 to comply with Act 172 of 2014, which limited the sales tax on additional guest charges to room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms, and to inform the public of the impact of the new legislation. Additional questions were added to address room refreshment bars, safes, and other issues. The information in the regulation is consistent with the department’s position, as expressed in SC Revenue Ruling #14-5. The amendment would be effective July 1, 2014, which is the effective date of the new legislation.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on June 23, 2015.

## 20 DRAFTING NOTICES

### Synopsis:

Code Section 12-36-920(A) imposes a 7% sales tax on accommodations on the gross proceeds of rentals of rooms or lodgings provided by hotels, motels, and similar facilities; and Code Section 12-36-920(B) imposes a sales tax on certain separately stated optional “additional guest charges”. New legislation limits additional guest charges to room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms; and provides that separately stated optional charges on a bill to a customer for amenities, entertainment, special items in promotional tourist packages, and other guest services are exempt from the 7% sales tax on accommodations. The purpose of this regulation proposal is to revise the provisions of SC Regulation 117-307.1 to comply with Act 172 of 2014, which limited the sales tax on additional guest charges to room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms, and to inform the public of the impact of the new legislation. Additional questions were added to address room refreshment bars, safes, and other issues. The information in the regulation is consistent with the department’s position, as expressed in SC Revenue Ruling #14-5. The amendment would be effective July 1, 2014, which is the effective date of the new legislation.

Legislative review is required.

Document No. 4570  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
 CHAPTER 61  
 Statutory Authority: 1976 Code Section 44-1-140(7)

61-50. Natural Public Swimming Areas

**Preamble:**

On June 22, 2012, Regulation 61-68, *Water Classifications and Standards*, was amended. The amendment changed the bacteriological water quality indicator used to determine water classifications from fecal coliform to E. coli. Regulation 61-50, *Natural Public Swimming Areas*, establishes minimum criteria for construction, operation and bacteriological water quality at natural public swimming areas. Currently, R.61-50 requires natural public swimming areas to comply with fecal coliform bacteria standards in order to remain open to the public. The purpose of this proposed amendment is to revise R.61-50 to change the bacteriological water quality standard from fecal coliform to E. coli so that R.61-50 is consistent with R.61-68.

A Notice of Drafting for the Department’s adoption of these federal regulations was published in the February 27, 2015 *State Register*. The Department received no public comments.

Section-by-Section Discussion of Proposed Regulations

R.61-50.C.7

Revise to replace fecal coliform with E. Coli as the indicator of bacteriological water quality for the initial monitoring required for all new natural public swimming areas.

R.61-50.D.6

Revise to replace fecal coliform with E. Coli as the indicator of bacteriological water quality for routine monitoring required for all existing natural public swimming areas.

**Notice of Public Hearing and Opportunity for Public Comment:**

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on August 13, 2015. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on the agenda in the order presented. The order of presentation for public hearings will be noted on the Board’s agenda published by the Department 24 hours in advance on the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Douglas B. Kinard, Director, Drinking Water Protection Division, South Carolina DHEC, 2600 Bull Street, Columbia, South Carolina 29201 or by email to [kinarddb@dhec.sc.gov](mailto:kinarddb@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on June 22, 2015 the close of the public comment period.

## 22 PROPOSED REGULATIONS

Written comment received by the June 22, 2015 deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on August 13, 2015, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Doug Kinard at the above address. Also, an electronic copy of the proposed regulation may be obtained on the Department's Regulatory Information Internet Site in the *DHEC Regulation Development Update* at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. Click on the Water topic and scan down to the proposed amendment of Regulation 61-50.

### **Preliminary Fiscal Impact Statement:**

The proposed amendments will have no substantial fiscal or economic impact of the State or its political subdivisions. Implementation of this regulation will not require additional resources beyond those allowed.

### **Statement of Need and Reasonableness:**

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. 1976 Code Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: Amendment of Regulation 61-50, *Natural Public Swimming Areas*.

Purpose: The proposed amendments would change the bacteriological water quality indicator in Regulation 61-50, *Natural Public Swimming Areas* to *E. coli* for consistency with Regulation 61-68, *Water Classifications and Standards*.

Legal Authority: R.61-50 is authorized by S.C. Code 44-1-140(7).

Plan for Implementation: The proposed amendments will be incorporated within R.61-50 upon approval by the General Assembly and publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the current regulations are implemented.

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

The adoption of this amendment is needed and reasonable because it will make the bacteriological water quality standard for natural public swimming areas consistent with the bacteriological water quality standard for recreational uses in freshwaters established in R.61-68, *Water Classifications and Standards*.

### **DETERMINATION OF COSTS AND BENEFITS:**

Internal costs: No cost to the State or its political subdivisions is anticipated by this proposed amendment.

External costs: There is little or no anticipated costs to the regulated community for implementing this proposed amendment.

### **UNCERTAINTIES OF ESTIMATES:**

Minimal.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

There is no anticipated effect on the environment or public health from this proposed amendment.

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

There is no anticipated detrimental effect on the environment or public health if this proposed amendment is not implemented.

**Statement of Rationale:**

The Department proposes amending Regulation 61-50, *Natural Public Swimming Areas*, for consistency with Regulation 61-68, *Water Classifications and Standards*, which sets statewide water quality standards for the classification of water bodies.

**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.