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# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
THE LEGISLATIVE COUNCIL  
of the  
GENERAL ASSEMBLY

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

# ***SOUTH CAROLINA STATE REGISTER***

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

## **STYLE AND FORMAT**

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

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

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

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

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

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

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

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

## **2018 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	1/12	2/9	3/9	4/13	5/11	6/8	7/13	8/10	9/14	10/12	11/9	12/14
Publishing Date	1/26	2/23	3/23	4/27	5/25	6/22	7/27	8/24	9/28	10/26	11/23	12/28

## **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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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>

<b>DOC. NO.</b>	<b>RAT. NO.</b>	<b>FINAL ISSUE</b>	<b>SUBJECT</b>	<b>EXP. DATE</b>	<b>AGENCY</b>
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## 2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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>

<b>DOC. No.</b>	<b>SUBJECT</b>	<b>HOUSE COMMITTEE</b>	<b>SENATE COMMITTEE</b>
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**Executive Order No. 2018-22**

**WHEREAS**, I have been notified of the passing of Sergeant First Class Christopher A. Celiz, United States Army, 75th Ranger Regiment, 1st Battalion, D Company, who lost his life on July 12, 2018, in Paktiya Province, Afghanistan, while dutifully serving in support of Operation Freedom’s Sentinel; and

**WHEREAS**, Sergeant First Class Celiz, a South Carolina native, dedicated his life to serving his country, fighting terrorism, and defending freedom, and his loss warrants the people of this State appropriately recognizing and honoring his distinguished service and supreme sacrifice; and

**WHEREAS**, section 10-1-161 of the South Carolina Code of Laws, as amended, provides that for a period before and through the day on which funeral services are conducted for members of the United States military services who were residents of South Carolina and who lost their lives in the line of duty while in combat, the flags which are flown atop the State Capitol Building must be lowered to half-staff.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby Order that the flags which are flown atop the State Capitol Building be lowered to half-staff until sundown on Wednesday, July 18, 2018, in tribute to Sergeant First Class Celiz and in honor of his distinguished service and supreme sacrifice. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 17th DAY OF JULY, 2018.**

**HENRY MCMASTER**  
**Governor**

**Executive Order No. 2018-23**

**WHEREAS**, John Kay Hansen, mayor of the Town of Ware Shoals, was indicted by a Grand Jury convened in Greenwood County for one count of Domestic Violence, Second Degree, and one count of Domestic Violence, Third Degree, both in violation of section 16-25-20 of the South Carolina Code of Laws; and

**WHEREAS**, John Kay Hansen subsequently pleaded guilty to and was convicted of one count of Domestic Violence, Third Degree, as a lesser included offense of Domestic Violence, Second Degree, pursuant to a negotiated sentence; and

**WHEREAS**, John Kay Hansen, as mayor of the Town of Ware Shoals, is an officer of the State or its political subdivisions; and

**WHEREAS**, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

**WHEREAS**, section 5-7-200 of the South Carolina Code of Laws provides that “[a] mayor or councilman shall forfeit his office if he . . . is convicted of a crime involving moral turpitude” and sets forth the manner in which the resulting vacancy shall be filled; and

#### **4 EXECUTIVE ORDERS**

**WHEREAS**, under South Carolina law, moral turpitude “implies something immoral in itself,” *State v. Horton*, 271 S.C. 413, 414, 248 S.E.2d 263, 263 (1978), and “involves an act of baseness, vileness, or depravity in the social duties which a man owes to his fellow man or society in general, contrary to the accepted and customary rule of right and duty between man and man,” *State v. Major*, 301 S.C. 181, 186, 391 S.E.2d 235, 238 (1990); and

**WHEREAS**, Domestic Violence, Third Degree, is “a crime involving moral turpitude”; and

**WHEREAS**, as Governor of the State of South Carolina, I am mindful of the duties and responsibilities vested in me by the Constitution and Laws of this State.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare the office of Mayor of the Town of Ware Shoals vacant. The resulting vacancy shall be filled as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 3rd DAY OF AUGUST, 2018.**

**HENRY MCMASTER  
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 August 24, 2018 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 Nic Gerrald, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-3495.

**Affecting Anderson County****Providence Home Health, LLC**

Establishment of a Home Health Agency in Anderson County at a total project cost of \$78,608.

**Affecting Beaufort County****Hilton Head Health System, L.P. d/b/a Hilton Head Hospital**

Acquisition of a Global Excelsius GPS Navigation System at a total project cost of \$1,351,619.

**Affecting Charleston County****Gary Lesesne d/b/a Assurance Home Health Care**

Establishment of a Home Health Agency in Charleston County at a total project cost of \$25,000.

**Affecting Cherokee County****Providence Home Health, LLC**

Establishment of a Home Health Agency in Cherokee County at a total project cost of \$78,834.

**Affecting Greenville County****Providence Home Health, LLC**

Establishment of a Home Health Agency in Greenville County at a total project cost of \$78,608.

**Affecting Horry County****HHC South Carolina, Inc. d/b/a Lighthouse Behavioral Health Hospital**

Addition of 7 psychiatric beds and 2 substance abuse beds for a total of 76 psychiatric beds and 29 substance abuse beds at a total project cost of \$0.00

**Affecting Lancaster County****Providence Home Health, LLC**

Establishment of a Home Health Agency in Lancaster County at a total project cost of \$78,834.

**Affecting Laurens County****Providence Home Health, LLC**

Establishment of a Home Health Agency in Laurens County at a total project cost of \$78,608.

## 6 NOTICES

### Affecting Pickens County

#### **Providence Home Health, LLC**

Establishment of a Home Health Agency in Pickens County at a total project cost of \$76,608.

### Affecting Spartanburg County

#### **Providence Home Health, LLC**

Establishment of a Home Health Agency in Spartanburg County at a total project cost of \$78,608.

### Affecting York County

#### **Providence Home Health, LLC**

Establishment of a Home Health Agency in York County at a total project cost of \$78,834.

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 August 24, 2018. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Nic Gerrald, 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) 545-3495.

### Affecting Darlington County

#### **Well Care Home Health of the Midlands, Inc.**

Establishment of Home Health Agency in Darlington County at a total project cost of \$29,000.

### Affecting Dillon County

#### **Well Care Home Health of the Midlands, Inc.**

Establishment of Home Health Agency in Dillon County at a total project cost of \$29,000.

### Affecting Horry County

#### **Conway Hospital, Inc. d/b/a CMC Health Plaza South**

Development of a multispecialty ambulatory surgery facility with 2 operating rooms at total project cost of \$11,692,394.

### Affecting Lee County

#### **Well Care Home Health of the Midlands, Inc.**

Establishment of Home Health Agency in Lee County at a total project cost of \$29,000.

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

North PRB Area (NPRBA) Property, Charleston County  
and  
Stoller Chemical Company--Charleston Site, LWM File #51356

**NOTICE OF SETTLEMENT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (DHEC) intends to enter into an Access and Settlement Agreement (Agreement) with MWV-East Edisto Spring Grove, LLC (Spring Grove) with respect to the North PRB Area (NPRBA Property) which includes a 1.098 acre tract and a 95.711 acre tract of real property which are a portion of a larger parcel owned by Spring Grove and identified by Tax Map Series number 175-00-00-009. Under this Agreement, Spring Grove agrees to transfer the NPRBA Property to a Custodial Trustee, Restoration and Redevelopment Solutions, LLC, for the purpose of providing access to DHEC and its contractors to perform a cleanup of contaminated groundwater that has migrated from the Stoller Chemical Company Charleston facility (Stoller) located at 7477 Savannah Hwy, Jericho, South Carolina. The Trustee will also carry out administrative functions related to ownership of the NPRBA Property. The Agreement confers protection upon Spring Grove and the Custodial Trustee from contribution claims for matters addressed in the Agreement, including response costs regarding releases at or from the Stoller facility. The Agreement is subject to a thirty-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613(f)(2), and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended).

The proposed Agreement is available:

- (1) On-line at [www.scdhec.gov/Apps/Environment/PublicNotices](http://www.scdhec.gov/Apps/Environment/PublicNotices); or
- (2) By contacting Ms. Pat L. Vincent at 803-898-0840 or [vincenpl@dhec.sc.gov](mailto:vincenpl@dhec.sc.gov).

Any comments to the Agreement must be submitted in writing, postmarked no later than September 24, 2018, and addressed to: Ms. Pat L. Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

UPON ENTRY OF THE AGREEMENT BY DHEC, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST SPRING GROVE SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE AGREEMENT SHALL BE FORECLOSED.

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

DHEC-Bureau of Land and Waste Management, File # 400149  
Lancaster Synthesis, Inc. Site

**NOTICE OF VOLUNTARY CLEANUP CONTRACT,  
CONTRIBUTION PROTECTION, AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Clariant Corporation. (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and



## 8 NOTICES

perform future response actions at the Lancaster Synthesis, Inc. facility located in Richland County, at 257 Hiram Allen Road, Blythewood, South Carolina (Site).

Future response actions addressed in the VCC include, but may not be limited to, the Responsible Party submitting to the Department a pilot study work plan to address contamination at former source areas, submitting to the Department a private well supply monitoring and contingency work plan for the protection of private drinking water wells near the Site, and if necessary, a feasibility study to evaluate alternatives to clean-up the Site. Further, the Responsible Party will reimburse the Department's past response costs of \$19,339.27 and the Department's future costs of overseeing the work performed by the Responsible Party and other Department response costs pursuant to the VCC.

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

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or [vincenef@dhec.sc.gov](mailto:vincenef@dhec.sc.gov).

Any comments to the proposed VCC must be submitted in writing, postmarked no later than September 24, 2018, and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

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

### **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 September 24, 2018 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 companies have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

**Class I**

**Allstar Drilling and Probing**

Attn: Joe Neri  
165 Amboy Road  
Morganville, NJ 07751

**Class II**

**Eagle Synergistic Optimizing Technologies, LLC.**

Attn: Janet L. Castle  
14405 W. Colfax, #281  
Lakewood, CO 80401

**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:

2018 Edition of the International Building Code;  
2018 Edition of the International Residential Code;  
2018 Edition of the International Fire Code;  
2018 Edition of the International Plumbing Code;  
2018 Edition of the International Mechanical Code;  
2018 Edition of the International Fuel Gas Code;  
2017 Edition of the National Electrical Code.

Permissive codes include the:

2018 Edition of the International Property Maintenance Code;  
2018 Edition of the International Existing Building Code;  
2018 Edition of the International Swimming Pool and Spa Code;  
2018 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 November 21, 2018.

## 10 DRAFTING NOTICES

**CLEMSON UNIVERSITY  
STATE LIVESTOCK-POULTRY HEALTH COMMISSION  
CHAPTER 27**

Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

### **Notice of Drafting:**

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce.

Interested parties should submit written comments to Dr. James T. Miller, Director, State Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, S. C. 29224-2406. To be considered comments should be received no later than September 21, 2018, the close of the drafting comment period.

### **Synopsis:**

This regulation is being promulgated to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which establishes Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

This regulation will not require legislative action.

**CLEMSON UNIVERSITY  
STATE LIVESTOCK-POULTRY HEALTH COMMISSION  
CHAPTER 27**

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

### **Notice of Drafting:**

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce.

Interested parties should submit written comments to Dr. James T. Miller, Director, State Meat-Poultry Inspection Department, P.O. Box 102406, Columbia, S.C. 29224-2406. To be considered comments should be received no later than September 21, 2018, the close of the drafting comment period.

### **Synopsis:**

This regulation is being promulgated to comply with the Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays, and other similar requirements.

This regulation will not require legislative action.

**DEPARTMENT OF CONSUMER AFFAIRS**  
**CHAPTER 28**  
Statutory Authority: 1976 Code Sections 40-39-10 et seq.,  
Particularly Sections 40-39-20 and 40-39-120

**Notice of Drafting:**

The South Carolina Department of Consumer Affairs proposes to amend Regulation 28-200, Pawnbroker Certificate of Authority. Interested parties are invited to present their views in writing to Kelly Rainsford, Deputy of Regulatory Enforcement, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250. To be considered, comments must be received no later than 5:00 p.m. September 24, 2018, the close of the drafting comment period.

**Synopsis:**

The Department intends to amend Regulation 28-200. The purpose of the proposed amendments is to revise and edit regulatory language to conform with current statutory requirements and to delete obsolete provisions.

This regulation will require legislative review.

**DEPARTMENT OF CONSUMER AFFAIRS**  
**CHAPTER 28**  
Statutory Authority: 1976 Code Sections 37-6-506 and 39-61-160

**Notice of Drafting:**

The South Carolina Department of Consumer Affairs proposes to promulgate Regulation 28-45 addressing the offer of motor club memberships by certain lenders. Interested parties are invited to present their views in writing to Kelly Rainsford, Deputy of Regulatory Enforcement, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250. To be considered, comments must be received no later than 5:00 p.m. September 24, 2018, the close of the drafting comment period.

**Synopsis:**

Section 37-3-202 (last amended 2004) authorizes the Administrator to approve permissible additional charges a lender may contract for in connection with a consumer loan. The Legislature also authorized the South Carolina Department of Consumer Affairs to administer the Motor Club Services Act (“Act”) in 1988. The Act sets forth requirements for those persons offering motor club memberships in this State. The Department proposes to provide a framework within which motor club memberships may be offered by certain lenders within South Carolina.

This regulation will require legislative review.

## 12 DRAFTING NOTICES

### STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 30-4-10 et seq., 59-13-60, 59-13-70, 59-13-80, 59-13-90, 59-13-140, 59-17-100, 59-20-10 et seq., 59-21-510 et seq., 59-25-140, 59-25-141, and 59-33-10 et seq.

#### Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-172, Accounting and Reporting. Interested persons may submit their comments in writing to Melissa Myers, Director, Office of Auditing Services, 1429 Senate Street, Columbia, South Carolina 29201 or by e-mail to [mmyers@ed.sc.gov](mailto:mmyers@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on September 24, 2018.

#### Synopsis:

State Board of Education Regulation 43-172 governs the requirements for school districts, county boards of education, and career and technical education centers to obtain an annual audit of financial records by a certified or licensed public accountant. Amendments to Regulation 43-172 will revise the due date of the annual audit report from November 15 to December 1 to coincide with the deadline listed in the SC Code of Law 59-17-100. The amendment will also remove the reference to the "Office of School District Auditing" and replace it with the "SC Department of Education" and revise the term "occupational education center" to "career and technical education center" to coincide with current terms. The amendment will also update the Financial Resources to remove the reference to the Staff Accountability Manual which does not exist and replace with the Student Accountability Manual.

Legislative review is required.

### STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 56-5-180, 56-5-190, 56-5-195, 56-5-196, 56-5-2770, 59-5-60, 59-67-10, 59-67-20, 59-67-30, 59-67-40, 59-67-108, 59-67-160, 59-67-240, 59-67-410, 59-67-470, 59-67-520, 59-67-535, and 59-67-570

#### Notice of Drafting:

The Department of Education, Office of Transportation proposes to amend Regulation 43-80, Operation of Public Pupil Transportation Services that addresses the school bus driver certification program.

Interested persons may submit their comments in writing to Richard Podmore, Director of Safety and Information, Office of Transportation, 1429 Senate St., Room 1104-A, Columbia, SC 29201 or by e-mail to [rpodmore@ed.sc.gov](mailto:rpodmore@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on September 24, 2018.

#### Synopsis:

South Carolina Code of Laws Section 59-67-470 (Bus drivers; selection; eligibility, training and certificates) establishes criteria for selecting and employing school bus drivers. It also authorizes the State Board of Education to provide a rigid training and testing program for prospective drivers and requires that successful candidates be issued school bus driver certificates. Regulation 43-80, Section N further details the training/testing processes and establishes different classifications of school bus driver certificates.

The proposed change to the regulation will allow greater flexibility in certifying drivers to operate school buses. The addition of the Certificate A Non-Commercial sub-classification will enable districts to utilize small,

14-passenger state or district owned or leased buses in situations where a larger bus would not be practical or feasible. While drivers of these vehicles will still be required to complete the same classroom curriculum, behind-the-wheel training regimen, and annual in-service training as the holders of a Certificate A Commercial, they will not be required to hold a commercial driver's license (CDL). This change will also enable districts to more quickly train, certify, and employ drivers. Although Certificate A Non-Commercial holders will only be able to operate 14-passenger buses, they will be able to do so while working toward a CDL which will enable them to drive larger buses.

Proposed changes will unify the titling of each certification category and their respective sub-classifications. It will clarify which vehicles may be operated under each certification category and it will reflect that all certification categories have multiple sub-classifications. Proposed changes will renumber the regulation to reflect the addition of a sub-classification. It will add a driver candidate disqualification for license suspensions during the 12 months preceding classroom instruction. Finally, proposed changes will remove a reference and timeline for changing from a single-category certification program to a multi-category certification program.

Changes will be made to the Special Transportation Service section to remove all references to "boat" to bring this regulation in line with Section 59-67-535. To bring this regulation in line with other agency regulations, clean up will be done on this regulation to renumber sections and subsections; change the terminology from pupil(s) and child(ren) to student(s); change "Pupil" to "Student" in the title of the regulation; and to correct minor errors in grammar, syntax, and punctuation.

Legislative review is required.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**CHAPTER 61**

Statutory Authority: 1976 Code Sections 44-1-140(2), 44-1-150, and 44-1-180

**Notice of Drafting:**

The Department of Health and Environmental Control ("Department") proposes amending R.61-25, Retail Food Establishments. The Department further proposes amending requirements of R.61-37, Retail Food Establishment Inspection Fees, and merging R.61-37 into R.61-25. This will entail repealing R.61-37 and adding its provisions, as amended, to R.61-25. This notice supersedes the Notice of Drafting to amend R.61-25 and repeal R.61-37 that was published in the South Carolina State Register Volume 42, Issue 4 on April 27, 2018.

Interested persons may submit written comments to Sandra D. Craig, Director, Division of Food and Lead Risk Assessments, Bureau of Environmental Health Services, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201, or by email at [craigsd@dhec.sc.gov](mailto:craigsd@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on September 24, 2018, the close of the drafting comment period.

**Synopsis:**

Currently, R.61-25 is based on the 2013 Federal Food and Drug Administration ("FDA") Food Code ("Food Code"), which the FDA has revised and replaced with the 2017 Food Code. The Department proposes amending R.61-25 to incorporate much of the revisions appearing in the 2017 Food Code. Furthermore, the Department proposes to revise selected sections of Chapter 9 to reflect the current business models of the food service industry and input from the regulated community. The Department also proposes amending the fee scale currently appearing in R.61-37, and, in the interest of efficiency, moving the amended fee scale to R.61-25 and repealing R.61-37. The fee scale revision would also include a fee increase, as the Department has not updated the fees in approximately 18 years.

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The Department also proposes making other changes as deemed necessary to improve the overall clarity, organization, and quality of the regulation. These changes may include, but are not limited to, stylistic changes, updates to definitions and exemptions, corrections for clarity, readability, grammar, punctuation, references, and codification, and overall improvement of the text of the regulation.

General Assembly review is required.

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

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-75-220, and 40-75-225

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

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-33 to include fees associated with the licensure of addiction counselors. Interested persons may submit comments to Marlo Thomas-Koger, Administrator, Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

#### **Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-33 to include fees associated with the licensure of addiction counselors as required by 2018 Act No. 249.

Legislative review of this amendment is required.

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

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-45-530, 40-45-540, and 40-45-570

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

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-30 to add a fee for the compact privilege, as required by 2018 Act No. 226. Interested persons may submit comments to Mack Williams, Administrator, Board of Physical Therapy Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

#### **Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-30 to add a fee for the compact privilege, as required by 2018 Act No. 226.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**CHAPTER 10**  
Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-35-50

**Notice of Drafting:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-21(D) to delete the fee for labels for license lists, delete the fee for criminal background checks, and reduce the license list fee from \$20 to \$10. Interested persons may submit comments to April Koon, Administrator, Long Term Health Care Administrators, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-21(D) to delete the fee for labels for license lists, delete the fee for criminal background checks, and reduce the license list fee from \$20 to \$10.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**CHAPTER 10**  
Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-60-50, and 40-60-360

**Notice of Drafting:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-36 related to the initial registration and renewal fees for Appraisal Management Companies. Interested persons may submit comments to Laura Smith, Administrator, South Carolina Real Estate Appraisers Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-36 related to the initial registration and renewal fees for Appraisal Management Companies.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF ACCOUNTANCY**  
**CHAPTER 1**  
Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70

**Notice of Drafting:**

The South Carolina Board of Accountancy proposes to amend R.1-01 regarding the general requirements for licensure as a CPA, R.1-02 regarding examinations, R.1-04 regarding reciprocity, R.1-05 regarding firm registration, R.1-08 regarding continuing professional education, R.1-09 regarding peer review, R.1-10 regarding professional standards, R.1-11 regarding licensure for accounting practitioners, and R.1-12 regarding safeguarding client files in the event of a licensee's incapacitation, disappearance or death. Interested persons may submit written comments to Doris Cubitt, Administrator, or Susanna Shape, Assistant Administrator, Board



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of Accountancy, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

### **Synopsis:**

The South Carolina Board of Accountancy proposes to amend R.1-01 regarding the general requirements for licensure as a CPA, R.1-02 regarding examinations, R.1-04 regarding reciprocity, R.1-05 regarding firm registration, R.1-08 regarding continuing professional education, R.1-09 regarding peer review, R.1-10 regarding professional standards, R.1-11 regarding licensure for accounting practitioners, and R.1-12 regarding safeguarding client files in the event of a licensee's incapacitation, disappearance or death.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
AUCTIONEERS' COMMISSION  
CHAPTER 14**

Statutory Authority: 1976 Code Section 40-6-60

### **Notice of Drafting:**

The South Carolina Auctioneers' Commission proposes to repeal: R.14-7, 14-8, 14-14 and 14-17 as they are duplicative of statute; R.14-9 and certain language appearing in R.14-5 as they are not supported by statute; and R.14-9 and 14-10 as they imply an appearance before the Commission is not guaranteed to the public upon request. Interested persons may submit written comments to Amy Holleman, Administrator, Auctioneers' Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

### **Synopsis:**

The South Carolina Auctioneers' Commission proposes to repeal: R.14-7, 14-8, 14-14 and 14-17 as they are duplicative of statute; R.14-9 and certain language appearing in R.14-5 as they are not supported by statute; and R.14-9 and 14-10 as they imply an appearance before the Commission is not guaranteed to the public upon request.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BUILDING CODES COUNCIL  
CHAPTER 8**

Statutory Authority: 1976 Code Sections 40-1-70, 6-9-40, 6-9-50, and 6-9-55

### **Notice of Drafting:**

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 8, to reflect modifications to the 2018 South Carolina Building Codes. Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 8, to reflect modifications to the 2018 South Carolina Building Codes.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
CONTRACTOR'S LICENSING BOARD**

**CHAPTER 29**

Statutory Authority: 1976 Code Section 40-11-60

**Notice of Drafting:**

The South Carolina Contractor's Licensing Board proposes to amend its regulations to repeal the following regulations: R.29-2, 29-4, 29-6, 29-70, 29-75, 29-80, 29-85, 29-90, 29-95, 29-100, 29-105, and 29-110. The Board further intends to add the language of 29-11 into 29-3. Finally, the Board intends to amend R.29-3, 29-5, 29-7, 29-8, 29-9, and 29-12. Interested persons may submit comments to Roger Lowe, Administrator, Contractor's Licensing Board, Post Office Box 11329, Columbia, S.C. 29211-1139.

**Synopsis:**

The South Carolina Contractor's Licensing Board proposes to repeal the following regulations in conjunction with the regulatory review conducted pursuant to Executive Order 2017-09: R.29-2, 29-4, 29-6, 29-70, 29-75, 29-80, 29-85, 29-90, 29-95, 29-100, 29-105, and 29-110. The Board further intends to amend: R.29-3 to incorporate the language of 29-11; 29-5 for rewording; 29-7 to change a reference from code to regulations; 29-8 for rewording; 29-9 for rewording; and 29-12 to correct a statutory reference and to add the listing of classifications referenced therein.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
CONTRACTOR'S LICENSING BOARD**

**CHAPTER 29**

Statutory Authority: 1976 Code Sections 40-11-60 and 40-11-262

**Notice of Drafting:**

The South Carolina Contractor's Licensing Board proposes to amend its regulations to establish a bond claim procedure in compliance with the requirements set forth in 2018 Act No. 217. Interested persons may submit comments to Roger Lowe, Administrator, Contractor's Licensing Board, Post Office Box 11329, Columbia, S.C. 29211-1139.

**Synopsis:**

The South Carolina Contractor's Licensing Board proposes to amend its regulations to establish a bond claim procedure in compliance with the requirements set forth in 2018 Act No. 217.

Legislative review of this amendment is required.

## 18 DRAFTING NOTICES

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

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-75-60

### **Notice of Drafting:**

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend regulations to add licensure qualifications, educational requirements, a code of ethics, and other associated criteria for the regulation of addiction counselors and to update existing regulations. Interested parties may submit comments to Marlo Thomas-Koger, Administrator, Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists, S.C. Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

### **Synopsis:**

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend regulations to add licensure qualifications, educational requirements, a code of ethics, and other associated criteria for the regulation of addiction counselors as required by 2018 Act No. 249 and to update existing regulations.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS  
CHAPTER 76**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-28-90

### **Notice of Drafting:**

The South Carolina Board of Landscape Architectural Examiners proposes to amend R.76-6 to clarify continuing education requirements and R.76-9 to update the Code of Ethics. Interested persons may submit comments to Molly Price, Administrator, Board of Landscape Architectural Examiners, Post Office Box 11329, Columbia, S.C. 29211-1139.

### **Synopsis:**

The South Carolina Board of Landscape Architectural Examiners proposes to amend R.76-6 to clarify continuing education requirements and R.76-9 to update the Code of Ethics.

Legislative review of this amendment is required.

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

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

**Notice of Drafting:**

The South Carolina Board of Long Term Health Care Administrators proposes to repeal R.93-70(D) and amend R.93-60, 93-80(D), 93-110 and 93-130(H). Interested persons may submit comments to April Koon, Administrator, Board of Long Term Health Care Administrators, Post Office Box 11329, Columbia, S.C. 29211-1139.

**Synopsis:**

The South Carolina Board of Long Term Health Care Administrators proposes to repeal R.93-70(D) as it exceeds statutory authority. The Board further proposes to amend R.93-60 to correct the Board name, 93-80(D) to clarify employment requirements for preceptors, 93-110 to remove a phrase indicating an examination is two parts, and 93-130 to delete language regarding the failure to appear for an examination.

Legislative review of this amendment is required.

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

Statutory Authority: 1976 Code Sections 40-1-70 and 40-47-10

**Notice of Drafting:**

The South Carolina Board of Medical Examiners proposes to amend R.81-60 to add the AMA Code of Ethics and R.81-80 to delete the requirement that the State Board of Medical Examiners of South Carolina shall administer Step 3 of the United States Medical Licensing Examination. Interested persons may submit comments to Sheridan Spoon, Administrator, Board of Medical Examiners, Post Office Box 11329, Columbia, S.C. 29211-1139.

**Synopsis:**

The South Carolina Board of Medical Examiners proposes to amend R.81-60 to add the AMA Code of Ethics and R.81-80 to delete the requirement that the State Board of Medical Examiners of South Carolina shall administer Step 3 of the United State Medical Licensing Examination.

Legislative review of this amendment is required.

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### **DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF NURSING CHAPTER 91**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-33-10

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

The South Carolina Board of Nursing proposes to amend R.91-11 regarding criteria for initial and continuing approval of basic programs preparing registered nurses. Interested persons may submit comments to Carol Moody, Administrator, Board of Nursing, Post Office Box 11329, Columbia, S.C. 29211-1139.

#### **Synopsis:**

The South Carolina Board of Nursing proposes to amend R.91-11 regarding criteria for initial and continuing approval of basic programs preparing registered nurses.

Legislative review of this amendment is required.

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF OCCUPATIONAL THERAPY CHAPTER 94**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-36-60

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

The South Carolina Board of Occupational Therapy proposes to amend R.94-07 to provide more options to allow individuals to reinstate a license upon its lapse and to amend R.94-10, its code of ethics to achieve consistency with the national standards. Interested persons may submit comments to Mack Williams, Administrator, Board of Occupational Therapy, Post Office Box 11329, Columbia, S.C. 29211-1139.

#### **Synopsis:**

The South Carolina Board of Occupational Therapy proposes to amend R.94-07 to provide more options to allow individuals to reinstate a license upon its lapse and to amend R.94-10, its code of ethics to achieve consistency with the national standards.

Legislative review of this amendment is required.

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF EXAMINERS IN OPTOMETRY CHAPTER 95**

Statutory Authority: 1976 Code Section 40-37-40(A)(7)

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

The South Carolina Board of Examiners in Optometry proposes to amend R.95-4 regarding continuing education requirements to allow 10 hours of credit to be obtained online each licensure period. Interested persons may submit comments to April Koon, Administrator, Board of Examiners in Optometry, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The South Carolina Board of Examiners in Optometry proposes to amend R.95-4 regarding continuing education requirements to allow 10 hours of credit to be obtained online each licensure period.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF PHYSICAL THERAPY EXAMINERS  
CHAPTER 101  
Statutory Authority: 1976 Code Section 40-45-60**

**Notice of Drafting:**

The South Carolina Board of Physical Therapy Examiners proposes to amend its regulations to conform to requirements established by 2018 Act No. 226, the Physical Therapy Licensure Compact. The Board proposes to amend R.101-04 and 101-05 to add the requirement for criminal background checks, amend R.101-07 to expand continuing education opportunities to demonstrate continuing professional development and competency outside of the traditional classroom setting, and R.101-16 to adopt the PT Compact Commission Rules. Interested persons may submit comments to Mack Williams, Administrator, Board of Physical Therapy Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The South Carolina Board of Physical Therapy Examiners proposes to amend its regulations to conform to requirements established by 2018 Act No. 226, the Physical Therapy Licensure Compact. The Board proposes to amend R.101-04 and 101-05 to add the requirement for criminal background checks, amend R.101-07 to expand continuing education opportunities to demonstrate continuing professional development and competency outside of the traditional classroom setting, and R.101-16 to adopt the PT Compact Commission Rules.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
REAL ESTATE APPRAISERS BOARD  
CHAPTER 137  
Statutory Authority: 1976 Code Sections 40-1-70, 40-60-10(I), and 40-60-38**

**Notice of Drafting:**

The South Carolina Real Estate Appraisers Board proposes to amend Chapter 137 to: correct titles to conform to amendments made during the previous legislative session; amend the education and experience requirements for licensure in R.137-100.02; and make minor corrections in R.137-200.02, R.137-500.01 and R.137-800.05. Other changes will update the regulations' headers and will correct scrivener's errors. Interested persons may submit written comments to Laura Smith, Administrator, Board of Real Estate Appraisers Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

**Synopsis:**

The South Carolina Board of Real Estate Appraisers Board proposes to amend Chapter 137 to: correct titles to conform to amendments made during the previous legislative session; amend the education and experience

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requirements for licensure in R.137-100.02; and make minor corrections in R.137-200.02, R.137-500.01 and R.137-800.05. Other changes will update the regulations' headers and will correct scrivener's errors.

Legislative review of this amendment is required.

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION REAL ESTATE COMMISSION**

#### **CHAPTER 105**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-57-60

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

The South Carolina Real Estate Commission proposes to amend its regulations to add language clarifying Broker-in-Charge supervision and contact responsibilities for affiliated licenses, and to address teams in office policies and advertising. Interested persons may submit comments to Roderick Atkinson, Administrator, Real Estate Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

#### **Synopsis:**

The South Carolina Real Estate Commission proposes to amend its regulations to add language clarifying Broker-in-Charge supervision and contact responsibilities for affiliated licenses, and to address teams in office policies and advertising.

Legislative review of this amendment is required.

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF SOCIAL WORK EXAMINERS**

#### **CHAPTER 110**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-63-70

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

The Board of Social Work Examiners proposes to repeal R.110-2 and amend and update R.110-20, the code of ethics. Interested parties may submit comments to Marlo Thomas-Koger, Administrator, Board of Social Work Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

#### **Synopsis:**

The Board of Social Work Examiners proposes to repeal R.110-2 and amend and update R.110-20, the code of ethics.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY  
CHAPTER 115**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-67-70

**Notice of Drafting:**

The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to: amend R.115-1 to add “a diploma”; amend R.115-2(C)(3) to add “neurogenics”; modify R.115-2(D)(5) to cite to a regulation; clarify R.115-2(G) that direct supervision means on-site and in person; and add in R.115-6(A)(2) the National Black Association for Speech-Language and Hearing (NBASLH). Interested persons may submit comments to Mack Williams, Administrator, Board of Examiners in Speech-Language Pathology and Audiology, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to: amend R.115-1 to add “a diploma”; amend R.115-2(C)(3) to add “neurogenics”; modify R.115-2(D)(5) to cite to a regulation; clarify R.115-2(G) that direct supervision means on-site and in person; and add in R.115-6(A)(2) the National Black Association for Speech-Language and Hearing (NBASLH).

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF VETERINARY MEDICAL EXAMINERS  
CHAPTER 120**

Statutory Authority: 1976 Code Section 40-69-60

**Notice of Drafting:**

The South Carolina Board of Veterinary Medical Examiners proposes to amend R.120-12 to comport with the requirements of 2016 Act No. 274 regarding animal shelters. Interested persons may submit comments to Rita Melton, Administrator, Board of Veterinary Medical Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The South Carolina Board of Veterinary Medical Examiners proposes to amend R.120-12 to comport with the requirements of 2016 Act No. 274 regarding animal shelters.

Legislative review of this amendment is required.



## 24 DRAFTING NOTICES

**DEPARTMENT OF TRANSPORTATION**  
**CHAPTER 63**  
Statutory Authority: 1976 Code Section 57-3-110(8)

### **Notice of Drafting:**

The South Carolina Department of Transportation (SCDOT) proposes to amend Regulations 63-10 regarding Transportation Project Prioritization. Interested persons should submit their comments in writing to: Linda C. McDonald, SCDOT Chief Counsel, P. O. Box 191, Columbia, SC, 29202 by no later than 5:00 p.m. on September 24, 2018, the end of the drafting comment period.

### **Synopsis:**

The SCDOT is proposing to amend Regulation 63-10 to:

- 1) Change the definition of the “State Transportation Improvement Program (“STIP”) to include state funded projects. Currently, the STIP is defined to include federally funded projects.
- 2) Eliminate the concept of a stand-alone state funded program known as the “State Program.” There is no need for this stand-alone program if the state funded projects are included in the STIP.

The proposed revisions will require legislative review.

Document No. 4816  
**COMMISSION ON HIGHER EDUCATION**  
 CHAPTER 62  
 Statutory Authority: 1976 Code Section 59-104-20

62-300 through 62-375. Palmetto Fellows Scholarship Program.

**Preamble:**

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, Palmetto Fellows Scholarship Program. Revisions to the existing regulation for the Palmetto Fellows Scholarship are being considered to clarify the policies and procedures for administrating the program. In the proposed amendment, the application process is being updated. This will include changing the opening, closing, and test administration dates. In addition, the award period definitions are updated to reflect the new dates and class ranking policies are clarified. There are also additional changes being proposed to allow a Palmetto Fellow recipient to enroll at an eligible institution up to one year after high school graduation, language was modified to reflect the updated S.C. Uniform Grading Scale and Scholastic Aptitude Test (SAT), clarifying language was added to explain current high school transcript requirements, and additional changes are being proposed to allow a Palmetto Fellow recipient to prorate their award during their final term of college enrollment. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on May 25, 2018.

Section-by-Section Discussion

- Section 62-310:      B. “Annual credit hour requirement” Language added to allow proration of award during student’s final term of enrollment.  
                           L. “Degree-seeking student” Language modified to update current programs; Removed M.S. in Cytology and Biosciences at MUSC and included PharmD programs at MUSC and USC.  
                           N. “Eligible high school” Language added to expand types of eligible high schools.  
                           O. “Early awards” Language modified to expand awarding period.  
                           W. “Full-time student” Language added to allow proration of award during student’s final term of enrollment.  
                           BB. “Late awards” Language modified to update opening date.  
                           HH. “Program of study that is structured so as not to require a bachelor’s degree” Language modified to update current programs; Removed M.S. in Cytology and Biosciences at MUSC and included PharmD programs at MUSC and USC.  
                           JJ. “Reapplication student” Language modified to allow a student to enroll at an eligible institution up to one year after high school graduation.
- Section 62-315:      C. Language modified to allow a student to enroll at an eligible institution no later than the fall term one year immediately following high school graduation.  
                           D. Language modified to allow a mid-year graduate student to enroll at an eligible institution no later than the Spring term one year immediately following high school graduation. Language also added to clarify mid-year high school ranking requirements, high school transcript requirements, and mid-year enrollment and continued eligibility requirements.

## 26 PROPOSED REGULATIONS

- Section 62-318: C. Created new section concerning scholarship enhancement information for mid-year enrollments to include enhancement start date and continued scholarship eligibility requirements.  
D. The old 'C' section, is now the 'D' section.
- Section 62-320: C. Language modified to remove December deadline for the early award application period.  
C.1. Language modified to update the test administration date.  
C.2. Language modified to update the test administration date.  
E. Language modified to update SAT language to reflect new name for test sections.  
F. Language modified to update current high school transcript requirements.  
G. Language modified to update current rank policies/procedures and current high school transcript requirements.  
H. Clarifying language added about rank for schools with 20 students or less.  
I. Language modified to update rank policies and procedures.  
K. Language modified to update current name for counselors.  
K.2. Numeric averages updated to reflect current S.C. Uniform Grading Policy.  
K.5. Numeric averages updated to reflect current S.C. Uniform Grading Policy.  
L. Language modified to update current name for counselors.  
M. New section added to explain late award may not be granted prior to institutional fee payment deadline.
- Section 62-330: A.1. Clarifying language added concerning fifth year (scholarship). Language added to allow proration of award during student's final term of enrollment.  
A.2. Clarifying language added concerning fifth year (enhancement). Language added to allow proration of award during student's final term of enrollment.  
A.3. Created new section. Language added concerning mid-year awarding.  
B. Language added to allow proration of award during student's final term of enrollment.  
L. Language modified to update current required information.
- Section 62-335: B. Language modified to allow a student to enroll at an eligible institution up to one year after high school graduation. Language clarified concerning enrollment at two-year institutions.  
C. Language modified to allow proration of award during student's final term of enrollment.
- Section 62-340: A. Comma added for clarification.  
B. Language modified to allow a student to enroll at an eligible institution up to one year after high school graduation.  
E. Language added to clarify transfer process.
- Section 62-360: A.1. Clarifying language added concerning fifth year (scholarship). Language added to allow proration of award during student's final term of enrollment.  
A.2. Clarifying language added concerning fifth year (enhancement). Language added to allow proration of award during student's final term of enrollment.  
A.3. Created new section. Language added concerning mid-year awarding.  
C. Language modified to update current programs; Removed M.S. in Cytology and Biosciences at MUSC and included PharmD programs at MUSC and USC.  
I. Language modified to update current required information.

**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 South Carolina Commission on Higher Education on October 4, 2018, to be held in the Main Conference Room at 1122 Lady Street, Suite 300, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission’s agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 300, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 1, 2018. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on October 4, 2018, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

**DESCRIPTION OF REGULATION:** 62-300 through 62-375. Palmetto Fellows Scholarship Program.

Purpose: R.62-300 through 62-375 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the Palmetto Fellow Scholarship Program and Palmetto Fellows Scholarship Enhancement are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, several definitions are updated. High school class ranking policies and transcript requirements are clarified. To provide consistency among scholarship programs, there are also additional changes being proposed to allow a Palmetto Fellow recipient to enroll at an eligible institution up to one year after high school graduation. Language was modified in several places to reflect current S.C. Uniform Grading Scale and Scholastic Aptitude Test (SAT) information. Additional changes are being proposed to allow a Palmetto Fellow recipient to prorate their award amount during their final term of college enrollment.

Legal Authority: The legal authority for R.62-300 through 62-375 is 1976 Code Section 59-104-20.

Plan for Implementation: The proposed regulation will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

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

The proposed regulation is needed to provide guidance to institutions and constituents regarding the Palmetto Fellows Scholarship program.

**DETERMINATION OF COSTS AND BENEFITS:**

Promulgation of this regulation will not result in additional administrative costs to the state or its political subdivisions. It is believed that the proposed regulation will benefit our state by providing students with additional opportunities to apply for the Palmetto Fellows Scholarship.

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### **UNCERTAINTIES OF ESTIMATES:**

None.

### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

Not applicable.

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

Not applicable.

### **Statement of Rationale:**

R.62-300 through 62-375 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the Palmetto Fellow Scholarship Program and Palmetto Fellows Scholarship Enhancement are being considered to clarify the policies and procedures for administering the program and to update the information to allow a change in the Palmetto Fellows application process. In doing so, several definitions are updated, high school class ranking policies and transcripts requirements are clarified, and language was modified to reflect the current S.C. Uniform Grading Scale and Scholastic Aptitude Test (SAT) information. Additional changes were made to allow a Palmetto Fellow recipient to prorate their award during their final term of college enrollment. Lastly, to promote consistency among the state scholarship programs, there are additional changes being proposed to allow a Palmetto Fellow recipient to enroll at an eligible institution up to one year after high school graduation.

### **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.