

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina’s official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor’s Executive Orders, notices 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

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

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

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.

SUBSCRIPTIONS

The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$100.00. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
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
4543			Standards for Licensing Nursing Homes	2/28/16	Department of Health and Envir Control
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
4564			Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions	4/25/16	Department of Health and Envir Control
4565			Underground Storage Tank Control Regulations	4/25/16	Department of Health and Envir Control
4566			Examination Attempts, Apprenticeship, and Continuing Education Requirements	5/11/16	LLR-Board of Examiners in Opticianry
Committee Request Withdrawal					
4539			Consumer Electronic Equipment Collection and Recovery	Tolled	Department of Health and Envir Control
Resolution Introduced to Disapprove					
4551			Certification of Need for Health Facilities and Services	Tolled	Department of Health and Envir Control
4538			Certification of Need for Health Facilities and Services	Tolled	Department of Health and Envir Control

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>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
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
4543	Standards for Licensing Nursing Homes	Regulations and Admin. Procedures	Medical Affairs
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
4564	Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions	Regulations and Admin. Procedures	Medical Affairs
4565	Underground Storage Tank Control Regulations	Regulations and Admin. Procedures	Medical Affairs
4566	Examination Attempts, Apprenticeship, and Continuing Education Requirements	Regulations and Admin. Procedures	Medical Affairs
Committee Request Withdrawal			
4539	Consumer Electronic Equipment Collection and Recovery	Labor, Commerce and Industry	Agriculture and Natural Resources
Resolution Introduced to Disapprove			
4551	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
4538	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs

Executive Order No. 2015-18

WHEREAS, on July 16, 2015, five United States service members were killed and numerous others wounded in a domestic terrorist attack at a military recruitment and a Naval Station in Chattanooga Tennessee; and

WHEREAS, this kind of targeted, domestic attack on United States military personnel has become increasingly common in recent years and presents the threat of violence to service men and women and military facilities in South Carolina; and

WHEREAS, precautionary measures are needed to protect those service men and women who have volunteered to protect us; and

WHEREAS, immediately following the attack in Chattanooga, I ordered a full review of all South Carolina National Guard facilities and installations and ordered active shooter exercises, coordination, and training with law enforcement; and

WHEREAS, these reviews completed by the South Carolina National Guard indicate a need to further enhance security at National Guard facilities and provide more opportunities for Guardsmen to defend themselves against a threat of violence or terrorism; and

WHEREAS, as commander-in-chief of the State in accordance with Article IV, Section 13 of the State Constitution, I may take such measures as necessary in order to prevent violence to persons or property of citizens and maintain peace, tranquility, and good order, and pursuant to Section 1-3-410 of the South Carolina Code of Laws, it appears to my satisfaction that there exists a threat of violence to National Guard members and facilities in the State of South Carolina; and

WHEREAS, I may appoint such personnel that I deem necessary to assist in the detection and prevention of crime in this State, including at all store-front recruitment centers and other facilities of the South Carolina National Guard, pursuant to Section 23-1-60.

NOW, THEREFORE, pursuant to the power conferred upon me by the Constitution and Statutes of the State of South Carolina, I hereby order the Adjutant General of the State of South Carolina as follows:

1. To install security enhancements at all store-front recruitment centers and other facilities of the South Carolina National Guard as he deems necessary.
2. To identify and designate appropriate and qualified members of the National Guard, State Guard, or any civilian employees thereof to undergo specific force protection training coordinated through the South Carolina Law Enforcement Division.
3. To assign and arm those individuals who successfully complete force protection training with specific duties and responsibilities, including, but not limited to, the detection and prevention of crime at all store-front recruitment centers and other facilities of the South Carolina National Guard in this State at such times as he deems necessary.
4. To coordinate with state and local civilian law enforcement agencies for additional protection as they deem necessary.
5. To periodically issue and terminate orders to State Active Duty pursuant to Title 1, Chapter 3 for such members of the National Guard or State Guard as he deems necessary until such time as a permanent plan for force protection is implemented.

4 EXECUTIVE ORDERS

FURTHER, pursuant to Section 23-1-60, I hereby appoint those appropriate and qualified members of the National Guard, State Guard, or any civilian employees thereof who have successfully completed the force protection training coordinated through the South Carolina Law Enforcement Division to carry out the duties and responsibilities assigned by the Adjutant General of the State of South Carolina as he deems necessary to safeguard all store-front recruitment centers and other facilities of the South Carolina National Guard in this State. Such appointments do not confer general law enforcement duties or responsibilities for any other purpose.

FURTHER, I hereby direct the Chief of the South Carolina Law Enforcement Division to expedite applications for concealed weapons permits from any member of the South Carolina National Guard, in accordance with state law.

FURTHER, I hereby direct all state and local law enforcement agencies in the State of South Carolina to cooperate with the South Carolina National Guard in furtherance of this Order in accordance with state and local laws.

This order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 17th DAY OF AUGUST, 2015.**

NIKKI R. HALEY
Governor

Executive Order No. 2015-19

WHEREAS, the Grand Jurors of Spartanburg County indicted Rodney Dean Turner, Mayor of the Town of Lyman, on August 21, 2015, on two counts: (1) Misconduct in Office for knowingly, intentionally, and willfully engaging in acts of misconduct by engaging in acts and omissions in the form of malfeasance, misfeasance, and nonfeasance in breach of his duties to the public of good faith, honesty, and accountability in violation of the Common Law of the State of South Carolina; and (2) Crime of Wiretapping for intentionally intercepting the oral communications of employees working and persons conducting business through the use of electronic devices designed to intercept and transmit oral communication by transmitting a signal through a radio transmission, wire, cable, or other like connection that could be monitored and/or recorded remotely in violation of Section 17-30-20 of the South Carolina Code of Laws; and

WHEREAS, Rodney Dean Turner is an officer of a political subdivision of the State and Article VI, Section 8, of the South Carolina Constitution provides 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

WHEREAS, South Carolina law recognizes that “moral turpitude implies something immoral itself ...,” such as “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general,” and further that “an act in which fraud is an ingredient involves moral turpitude...,” see *State v. Horton*, 248 S.E.2d 263 (1978), and the above-referenced indictments include a crime that involves moral turpitude; and

WHEREAS, a certified true copy of the indictment against Rodney Dean Turner has been provided to me.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Laws of the State of South Carolina, I hereby suspend Rodney Dean Turner from the office of Mayor of the Town of Lyman until such time as he shall be formally acquitted or convicted.

This action in no manner addresses the question of the guilt or innocence of Rodney Dean Turner and should not be construed as an expression of any opinion one way or another on such question.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 24th DAY OF AUGUST, 2015.**

**NIKKI R. HALEY
Governor**

6 NOTICES

STATE BOARD OF EDUCATION

ERRATA

43-51. Certification Requirements

Written comments will now be sent to Elizabeth Carpentier, Chief of Staff/COO, South Carolina Department of Education, 1429 Senate Street, Room 1009, Columbia, South Carolina 29201 or by e-mail to bcarpentier@ed.sc.gov.

STATE BOARD OF EDUCATION

ERRATA

43-53. Credential Classification

Written comments will now be sent to Elizabeth Carpentier, Chief of Staff/COO, South Carolina Department of Education, 1429 Senate Street, Room 1009, Columbia, South Carolina 29201 or by e-mail to bcarpentier@ed.sc.gov.

STATE BOARD OF EDUCATION

ERRATA

43-90. Program Approval Standards for South Carolina Teacher Education Institutions

Written comments will now be sent to Elizabeth Carpentier, Chief of Staff/COO, South Carolina Department of Education, 1429 Senate Street, Room 1009, Columbia, South Carolina 29201 or by e-mail to bcarpentier@ed.sc.gov.

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 September 25, 2015 for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-3028.

Affecting Beaufort County

Application for a Home Health Agency in Beaufort County wherein Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$0.

M&C Group, LLC d/b/a Home Helpers of Bluffton

Affecting Charleston County

Renovation of an existing facility and the conversion of six (6) assisted living beds to skilled nursing beds for a total of forty-eight (48) skilled nursing beds at a total project cost of \$12,261,532.05.

SNH SE SG Tenant LLC d/b/a Savannah Grace at The Palms of Mount Pleasant

Affecting Cherokee County

Expansion of Home Health Services to Cherokee County at a total project cost of \$7,304.72.

Spartanburg Regional Home Health Services District, Inc. d/b/a Spartanburg Medical Center Home Health

Affecting Greenville County

Expansion of Home Health Services to Greenville County at a total project cost of \$7,304.72.

Spartanburg Regional Home Health Services District, Inc. d/b/a Spartanburg Medical Center Home Health

Affecting Lexington County

Construction of a new patient bed tower and addition of seventy-one (71) acute care beds at a total project cost of \$421,948,031.

Lexington County Health Services District, Inc. d/b/a Lexington Medical Center

Affecting Jasper County

Establishment of a new Home Health Agency in Jasper County at a total project cost of \$0.

M&C Group, LLC d/b/a Home Helpers of Bluffton

Affecting Spartanburg County

Addition of twelve (12) rehabilitation beds, for a total of forty (40) rehabilitation beds, and the relinquishment of twelve (12) non-institutional nursing beds at a total project cost of \$10,552.50.

Spartanburg Rehabilitation Institute, Inc.

Affecting Union County

Expansion of Home Health Services to Union County at a total project cost of \$7,304.72.

Spartanburg Regional Home Health Services District, Inc. d/b/a Spartanburg Medical Center Home Health

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 September 26, 2015. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Vonja Szatkowski, 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) 545-3028.

8 NOTICES

Affecting York County

Renovation and expansion for the modernization of an existing facility with no change in nursing beds or services at a total project cost of \$3,563,315.

PruittHealth - Rock Hill, LLC

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document 4577

The Department of Health and Environmental Control published a Notice of Proposed Regulation that included notice of opportunity for public comment, in the *State Register* on August 28, 2015, identified as Document 4577, to promulgate amendments of Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina Air Quality Implementation Plan (“SIP”). The aforementioned Notice scheduled a write-in public comment period that closes September 28, 2015, and gave notice of a Public Hearing scheduled before the Board of Health and Environmental Control for November 12, 2015.

The Public Hearing originally scheduled for November 12, 2015, has been cancelled and rescheduled before the Department’s Board for November 4, 2015. The hearing will now be held at the re-scheduled Board meeting on November 4, 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 4578

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the *State Register* on August 28, 2015, identified as Document 4578, to promulgate amendments of Regulation 61-116, *South Carolina Trauma Care Systems*. The aforementioned Notice scheduled a write-in public comment period that closes September 28, 2015, and gave notice of a Public Hearing scheduled before the Board of Health and Environmental Control for November 12, 2015.

The Public Hearing originally scheduled for November 12, 2015, has been cancelled and rescheduled before the Department's Board for November 4, 2015. The hearing will be held at the regularly-scheduled Board meeting on November 4, 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 4580

The Department of Health and Environmental Control published a Notice of Proposed Regulation that included notice of opportunity for public comment, in the *State Register* on August 28, 2015, identified as Document 4580, to promulgate amendments of Regulation 61-19, *Vital Statistics*. The aforementioned Notice scheduled an Informational Forum that was conducted September 24, 2015, a write-in public comment period to submit public comments by September 28, 2015, and notice of a Public Hearing scheduled before the Board of Health and Environmental Control for November 12, 2015. The Public Hearing originally scheduled for November 12, 2015, has been cancelled and rescheduled before the Department's Board for November 4, 2015. The hearing will be held at the regularly-scheduled Board meeting on November 4, 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.

10 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document 4581

The Department of Health and Environmental Control published a Notice of Proposed Regulation, that included notice of opportunity for public comment, in the *State Register* on August 28, 2015, identified as Document 4581, to promulgate amendments of Regulation 61-94, WIC Vendors. The aforementioned Notice scheduled a write-in public comment period that closes September 28, 2015, and gave notice of a Public Hearing scheduled before the Board of Health and Environmental Control for November 12, 2015. The Public Hearing originally scheduled for November 12, 2015, has been cancelled and rescheduled before the Department's Board for November 4, 2015. The hearing will be held at the regularly-scheduled Board meeting on November 12, 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.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File #415334
Georgia-Pacific Resins Site

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

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (DHEC) intends to enter into a Voluntary Cleanup Contract (VCC) with Georgia-Pacific LLC (Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Georgia-Pacific Resins facility located in Berkeley County, at 1028 Georgia-Pacific Drive, St. Stephen, South Carolina, and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (Site).

Future response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing a Water Well Sampling Survey, groundwater monitoring, and the proper abandonment of existing supply wells on the Site that are no longer required. Further, the Responsible Party will reimburse the Department's past costs of response of \$709.09 and the Department's future costs of overseeing the work performed by the Responsible Party and other Department costs of response 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. § 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. § 44-56-200 (as amended). Notice of Contribution Protection and Comment Period will be provided to known potentially responsible parties via email or US mail. The VCC is available:

- (1) On-line at www.scdhec.gov/Apps/Environment/PublicNotices or
- (2) By contacting David Wilkie at 803-898-0882 or wilkietd@dhec.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than October 26, 2015, and addressed to: David Wilkie, 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 Contract 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. 9613(f)(2) and 9613(f)(3)(B), and under S.C. Code Ann. Section 44-56-200, for the response actions specifically covered in the Contract including the approved work plans and reports. Contribution protection is contingent upon the Department's determination that the Responsible Party has successfully and completely complied with the VCC.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File #413573
Univar USA 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 Univar USA Inc. (Univar). The VCC provides that Univar, with DHEC's oversight, will perform future response actions at the Univar facility located in Spartanburg County at 2750 Southport Road, Spartanburg, South Carolina, and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (Site).

Future response actions addressed in the VCC include, but may not be limited to, Univar funding and evaluating the existing soil vapor extraction system to expedite remediation of contamination, evaluate the existing groundwater monitoring network to determine if additional monitoring points are needed to evaluate the nature and extent of contamination and/or monitor the existing remediation system, report findings of these evaluations, and if needed, perform additional investigation and conduct a Feasibility Study (FS) to evaluate alternatives to clean-up the Site. Further, Univar will reimburse the Department's past costs of \$6,941.38 and future costs of overseeing the work performed by Univar and other Department costs of response pursuant to the VCC.

12 NOTICES

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 via email or US mail. The VCC is available:

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

Any comments to the proposed VCC must be submitted in writing, postmarked no later than October 26, 2015, and addressed to: Pat L. Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, Univar 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, Univar shall be deemed to have resolved their liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under S.C. Code Ann. Section 44-56-200, for the response actions specifically covered in the VCC including the approved work plans and reports. Contribution protection is contingent upon the Department's determination that Univar has successfully and completely complied with the VCC.

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 October 26, 2015 to:

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

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

Class I

GHD Services, Inc.

Attn: John Dizinno

3075 Breckinridge Blvd, Ste 470

Duluth, GA 30096

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

State Register Document No. 4464

The Department promulgated amendments of Regulation 61-93, *Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence*, which took effect as final regulations in the *State Register* June 26, 2015, as Document No. 4464.

This notice is to correct a section reference in Section 1402.A. In Section 1402.A, the reference to Section 102.B.4 is corrected to Section 102.B.6 to read as follows:

A. All facilities shall conduct an annual tuberculosis risk assessment in accordance with CDC guidelines (See Section 102.B.6) to determine the appropriateness and frequency of tuberculosis screening and other tuberculosis related measures to be taken.

State Register Document No. 4484

The Department promulgated amendments of Regulation 61-84, *Standards for Licensing Community Residential Care Facilities*, which took effect as final regulations in the *State Register* June 26, 2015, as Document No. 4484.

This notice is to correct the following section references:

In Section 103.A, the reference to Section 101.LL is corrected to Section 101.KK to read as follows:

A. License. No person, private or public organization, political subdivision, or governmental agency shall establish, operate, maintain, or represent itself (advertise/market) as a community residential care facility in S.C. without first obtaining a license from the Department. The facility shall not admit residents prior to the effective date of the license. When it has been determined by the Department that room, board, and a degree of personal care to two or more adults unrelated to the owner is being provided at a location, and the owner has not been issued a license from the Department to provide such care, the owner shall cease operation immediately and ensure the safety, health, and well-being of the occupants. Current/previous violations of the S.C. Code and/or Department regulations may jeopardize the issuance of a license for the facility or the licensing of any other facility, or addition to an existing facility which is owned/operated by the licensee. The facility shall provide only the care/services it is licensed to provide pursuant to the definitions in Sections 101.L and 101.KK of this regulation. (I)

14 NOTICES

In Section 506.B.2, the reference to Section 501.B is corrected to Section 501.A to read as follows:

B. The facility shall maintain the following documentation regarding private sitters:

1. A health assessment (in accordance with Section 505.A) within twelve (12) months prior to initial resident contact or his or her first day working as a private sitter;

2. A criminal record check (See Section 501.A) completed prior to working as a private sitter;

3. Determination of TB status (See Section 1702.D.) prior to initial resident contact or his or her first day working as a private sitter.

In Section 1702.B, the reference to Section 101.BBB is corrected to Section 101.CCC, and the reference to Section 102.B.16 is corrected to Section 102.B.8 to read as follows:

B. All facilities shall conduct an annual tuberculosis risk assessment (See Section 101.CCC) in accordance with CDC guidelines (See Section 102.B.8) to determine the appropriateness and frequency of tuberculosis screening and other tuberculosis related measures to be taken.

OFFICE OF THE ATTORNEY GENERAL

CHAPTER 13

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

Notice of Drafting:

The Office of the Attorney General proposes to amend certain current Regulations and promulgate additional regulations to implement the South Carolina Uniform Securities Act of 2005 and to reflect recent developments in securities regulation. Interested persons may submit comments to J. Louis Cote III, Assistant Attorney General, Office of the S.C. Attorney General, Securities Division, P.O. Box 11549, Columbia, SC 29211-1549. To be considered, comments must be received no later than 5:00 p.m. on October 26, 2015, the close of the drafting comment period.

Synopsis:

The Office of the Attorney General proposes to update, amend, and promulgate regulations to reflect recent developments in securities regulation.

Legislative review of the proposed regulations will be required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Section 59-5-60 and 20 U.S.C. Section 6301 et seq.

Notice of Drafting:

The South Carolina Board of Education (SBE) proposes to amend Regulation 43-307 (R.43-307), Alignment of Assessment and Accountability Elements with the No Child Left Behind Act, last revised on June 27, 2003.

Interested persons may submit their comments in writing to Cathy Hazelwood, Deputy State Superintendent Legal Division, 1429 Senate Street, Suite 1015A, Columbia, South Carolina 29201 or by e-mail to chazelwood@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on October 26, 2015.

Synopsis:

State Board of Education Regulation R.43-307 requires SBE assessments and accountability elements to align with the No Child Left Behind Act (NCLB) with much specificity. The proposed amendment would simply state that South Carolina will follow the requirements of the NCLB. The proposed amendment will ensure that South Carolina will comply with federal law without having to amend the regulation each time the NCLB is amended.

Legislative review is required.

16 DRAFTING NOTICES

STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-24-5 and 59-26-40

Notice of Drafting:

The South Carolina Board of Education (SBE) proposes to amend Regulation 43-64 (R.43-64), Requirements for Certification at the Advanced Level.

Interested persons may submit their comments in writing to Cathy Hazelwood, Deputy State Superintendent Legal Division, 1429 Senate Street, Suite 1015A, Columbia, South Carolina 29201 or by e-mail to chazelwood@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on October 26, 2015.

Synopsis:

SBE R.43-64 governs the certification requirements for Advanced Level educators. Amendments to R.43-64 will remove specific requirements in order to provide flexibility to the districts and the South Carolina Department of Education (SCDE) in reviewing programs. The specific requirements will then be promulgated in Guidelines to be approved by the SBE. Removing the specificity of certain requirements from R.43-64 and establishing these requirements in Guidelines will allow the SBE, in conjunction with the SCDE, to make timely and necessary changes to keep current with educational initiatives and research, and to address needed changes in educator training and preparation in order to provide appropriately qualified educators for South Carolina public schools.

Legislative review is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF ELEVATORS AND AMUSEMENT RIDES CHAPTER 71

Statutory Authority: 1976 Code Section 41-18-120

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation and the Office of Elevators and Amusement Rides propose to amend Article 4 Amusement Rides Safety Code. Interested persons may submit comments to Duane Scott, Sr., Administrator, Office of Elevators and Amusement Rides, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation and Office of Elevators and Amusement Rides propose to amend Article 4 Amusement Rides Safety Code.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8302 regarding Explosives. Interested persons may submit comments to: Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8300 regarding Fire Prevention and Life Safety. Interested persons may submit comments to: Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Legislative review of this amendment is required.

18 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8301 regarding Fire Prevention and Life Safety for Special Occupancies. Interested persons may submit comments to: Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8305 regarding Fireworks and Pyrotechnics. Interested persons may submit comments to: Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8306 regarding Hydrogen Facilities. Interested persons may submit comments to: Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8304 regarding Liquefied Petroleum Gas. Interested persons may submit comments to: Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Legislative review of this amendment is required.

20 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL CHAPTER 71

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8303 regarding Portable Fire Extinguishers and Fixed Fire Extinguishing Systems. Interested persons may submit comments to: Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF REGISTRATION FOR FORESTERS CHAPTER 53

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70 and 48-27-80

Notice of Drafting:

The South Carolina Board of Registration for Foresters proposes to amend its regulations regarding its fee schedule. Interested persons may submit comments to Molly Price, Administrator, Board of Registration for Foresters, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Board of Registration for Foresters proposes to amend its regulations regarding its fee schedule.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PHARMACY**

CHAPTER 99

Statutory Authority: 1976 Code Sections 40-1-70 and 40-43-60(D)(8)

Notice of Drafting:

The South Carolina Board of Pharmacy proposes to amend its regulations regarding permitting. Interested persons may submit comments to Lee Ann Bundrick, Administrator, State Board of Pharmacy, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11927, Columbia, S.C. 29211-1927.

Synopsis:

The South Carolina Board of Pharmacy proposes to amend its regulation regarding permitting.

Legislative review of this amendment is required.

22 PROPOSED REGULATIONS

Document No. 4587

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-25-110

43-51. Certification Requirements.

Preamble:

Regulation 43-51 governs the requirements for granting educator certification. The proposed amendments to the regulation would modify language within the regulation. Current language in the regulation is specific to an educator preparation accrediting body and offices within the South Carolina Department of Education (SCDE). The proposed amendments would eliminate the need for a regulation change any time an accrediting body or SCDE office changes.

Notice of Drafting for the proposed amended regulation was published in the *State Register* on July 24, 2015.
Section-by-Section Discussion

- I.A. Changes the name of the accrediting body, the National Council for Accreditation of Teacher Education (NCATE) to a national accreditation association and does so throughout the document.
- II.B. Changes the name of a specific office with the South Carolina Department of Education, the Office of Teacher Certification, to the South Carolina Department of Education and does so throughout the document.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on November 10, 2015, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Elizabeth Carpentier, Chief of Staff/COO, South Carolina Department of Education, 1429 Senate Street, Room 1009, Columbia, South Carolina 29201 or by e-mail to bcarpentier@ed.sc.gov on or before 5:00 p.m. on October 26, 2015.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The SCDE estimates that no additional costs will be incurred by the state in complying with the proposed amendments to R.43-51.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Certification Requirements.

Purpose: The regulation describes the criteria teacher candidates must adhere to when obtaining teacher certification in South Carolina.

Legal Authority: 1976 Code Sections 59-5-60 and 59-25-110.

Plan for Implementation: The proposed amendments will be incorporated within 43-51 upon publication in the *State Registrar* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented.

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

As reflected in 1976 Code Sections 59-5-60 and 59-25-110, there are specific criteria for teacher certification in South Carolina. The proposed amendments will eliminate the need for a regulation change when accrediting bodies and SCDE office names change, but still maintain the criteria needed to obtain teacher certification.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation has no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulation is not implemented.

Statement of Rationale:

Regulation 43-51 governs the requirements for granting educator certification in South Carolina. Language in the current regulation reflects the names of specific accrediting bodies and offices within the SCDE. Because accrediting bodies and offices change, the proposed amendments to the regulation will eliminate the need for a regulation change when an accrediting body or office within the SCDE changes.

Text:

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

Document No. 4593
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-6-65, and 59-26-20

43-90. Program Approval Standards for South Carolina Teacher Education Institutions

Preamble:

Regulation 43-90 governs the accreditation requirements for public and private educator preparation programs. The proposed amendments to the regulation would modify language within the regulation. Current language in the regulation is specific to an educator preparation accrediting body, the National Council for Accreditation of Teacher Education (NCATE); however, a new accrediting body, the Council for the Accreditation of Educator Preparation (CAEP) has replaced NCATE. The proposed amendments would eliminate the need for a regulation change any time an accrediting body changes.

24 PROPOSED REGULATIONS

Notice of Drafting for the proposed amended regulation was published in the *State Register* on July 24, 2015.

Section-by-Section Discussion:

Language in R.43-90 is going to be changed from a specific accrediting body to more general language related to accreditation. The agency, NCATE, will be changed to a national accreditation association. NCATE accreditation will be changed to national accreditation, and NCATE standards will be changed to national standards.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on November 10, 2015, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Elizabeth Carpentier, Chief of Staff/COO, South Carolina Department of Education, 1429 Senate Street, Room 1009, Columbia, South Carolina 29201 or by e-mail to bcarpentier@ed.sc.gov on or before 5:00 p.m. on October 26, 2015.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The SCDE estimates that no additional costs will be incurred by the state in complying with the proposed amendments to R.43-90.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Program Approval Standards for South Carolina Teacher Education Institutions.

Purpose: The regulation describes the accreditation requirements public and private teacher education programs must adhere to operate and graduate candidates eligible for teacher certification in South Carolina.

Legal Authority: 1976 Code Sections 59-5-60, 59-6-65, and 59-26-20.

Plan for Implementation: The proposed amendments will be incorporated within R.43-90 upon publication in the *State Registrar* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented.

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

As reflected in 1976 Code Sections 59-5-60, 59-6-65, and 59-26-20, all public teacher education institutions are required to seek and obtain national accreditation. Private teacher education institutions are encouraged to seek national accreditation as well. The current regulation is written toward a specific accrediting body; however, these bodies do change. The current educator preparation accrediting body is CAEP. The proposed amendments will eliminate the need for a regulation change when accrediting bodies change, but still maintain the criteria needed to operate a teacher education program at our public and private institutions.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation has no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulation is not implemented.

Statement of Rationale:

Regulation 43-90 governs the accreditation requirements for public and private educator preparation programs. Language in the current regulation reflects the name of the specific accrediting body. Because accrediting bodies change, the proposed amendments to the regulation will eliminate the need for a regulation change when an accrediting body changes.

Text:

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

Document No. 4586
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-21-510, 59-21-580, 59-33-10 et seq.,
59-36-10 et seq., and 20 U.S.C. 1400 et seq.

43-243. Special Education, Education of Students with Disabilities

Preamble:

State Board of Education Regulation (SBE) R.43-243 outlines the requirements for educational programs serving students with disabilities, as covered by the Individuals with Disabilities Education Improvement Act, 2004 (IDEA). The current regulation is largely duplicative of federal regulations, which are found in the Code of Federal Regulations, Title 34 Part 300. Amendments to SBE R.43-243 will (1) delete duplicative language and requirements that already exist in the Code of Federal Regulations governing educational programs for students with disabilities; (2) promulgate amendments to the current regulation; and (3) add and clarify state-specific language to the regulation that will allow districts and the Department to ensure compliance of educational programs for students with disabilities.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on July 24, 2015.

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Section-by-Section Discussion

- New I. Revised and condensed language under Purpose.
- New II. Added section and language to describe the state’s policies and procedure requirements under the IDEA (multiple references in the IDEA and in the current SBE R.43-243).
- New III. Clarified definitions section—header renamed. Renumbered for clarity.
- New III(A) Child with a disability—condensed language and clarified linkage to the requirements of SBE R.43-243.1. Renumbered for clarity.
- New III(B) Children who are parentally placed in private schools—moved language from Section (II)(G). Added additional language to include children with disabilities who are in homeschool programs. Renumbered for clarity.
- New III(C) Free appropriate public education—moved language from Section (II)(B). Removed language about the exiting criteria as it does not apply under federal statute. Added federal code reference. Renumbered for clarity.
- New III(D) Intellectual disability—clarified language as required by Public Law 111-256. Renumbered for clarity.
- New III(E) Residential treatment facilities—added new language as to the requirements imposed by state statutes, regulations, and annual provisos governing residential treatment facilities. Renumbered for clarity.
- New III(F) Transfer of rights at age of majority—clarified and condensed definition of transfer of rights from Sections (IV)(D)(1)(c) and (V)(A)(21). Added additional language and reference as it relates to state laws. Renumbered for clarity.
- New III(G) Transition services—moved language from Section (IV)(D)(1)(b). Added additional language as it relates to state statutes and requirements. Renumbered for clarity.
- New III(H) Ward of the state—amended language from Section (I)(D) to align with state statute definition of children who are in the custody of the state. Renumbered for clarity.
- New IV. Monitoring, Enforcement and Program Information section—header renamed. Renumbered for clarity.
- New IV(A) General Requirements—moved language from Section (II)(J) and condensed language of references throughout SBE R.43-243 outlining the state’s requirements for general supervision of programs under the IDEA. Renumbered for clarity.
- New IV(B) State monitoring—amended and condensed language from Sections (VI)(A) and (VI)(B). Renumbered for clarity.
- New IV(C) Local Determinations—amended and condensed language from Sections (VI)(A)(2), (VI)(A)(4), (VI)(A)(5), and (VI)(A)(9) regarding the local determinations under the IDEA. Renumbered for clarity.
- New IV(D) Enforcement—amended and condensed language from multiple sections on the state’s authority to enforce the requirements of SBE R.43-243 and the requirements of the IDEA. Sections include (V)(B)(8), (VI)(A)(9), and (VI)(A)(17). Added language to create link to new federal regulations. Renumbered for clarity.
- New IV(E) Fiscal sanctions—moved language from Section (II)(Q). Clarified federal regulation citations and clarified language inconsistencies between the “State,” the “SEA” and the “SCDE.” Renumbered for clarity.
- New IV(F) State advisory panel—moved language from Section (II)(N) and added language referencing additional requirements under state statute.
- New V Renumbered section for clarity. Amended language to reflect the name of the responsible program office within the Department.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on November 10, 2015, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to John R. Payne, Director, Office of Special Education Services, at (803) 734-8224 or by e-mail to jrpayne@ed.sc.gov on or before 5:00 p.m. on October 26, 2015.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The SCDE estimates that no additional costs will be incurred by the state and its political subdivisions in complying with the proposed revisions to SBE R.43-243.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 43-243, Special Education of Students with Disabilities.

Purpose: The purpose of this regulation is to minimize the number of state regulatory provisions relating to the education of children with disabilities by removing the provisions that are identical to the provisions in Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and its implementing regulations and identify the state rules and regulations that conform with, but are not specifically set forth in, the IDEA. This regulation applies to all political subdivisions of the state that are involved in the education of children with disabilities, including local educational agencies, state-operated programs, state agencies, and other public programs and schools.

Legal Authority: 1976 Code Sections 59-5-60, 59-21-510, 59-21-580, 59-33-10 et seq., 59-36-10 et seq., and 20 U.S.C. 1400 et seq.

Plan for Implementation: The proposed amendments will be incorporated within SBE R.43-243 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence.

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

South Carolina must ensure that each child with a disability has available a free appropriate public education and must ensure that the state, local educational agencies, and state-operated programs conform to federal statutes and regulations governing educational programs for students with disabilities. Although federal regulations are comprehensive, state regulations are needed to clarify requirements as they pertain to state statutes, regulations, policies, and procedures. The current SBE R.43-243 is largely duplicative of federal regulations. Amendments to R.43-243 will (1) delete duplicative language and requirements that already exist in the Code of Federal Regulations governing educational programs for students with disabilities; (2) promulgate amendments to the current regulation; and (3) add and clarify state-specific language to the regulation that will allow districts and the state to ensure compliance of educational programs for students with disabilities.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

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UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

Statement of Rationale:

State Board of Education R.43-243 outlines the requirements for educational programs serving students with disabilities, as covered by the Individuals with Disabilities Education Improvement Act, 2004 (IDEA). The current regulation is largely duplicative of federal regulations, which are found in the Code of Federal Regulations, Title 34 Part 300. Amendments to SBE R.43-243 will (1) delete duplicative language and requirements that already exist in the Code of Federal Regulations governing educational programs for students with disabilities; (2) promulgate amendments to the current regulation; and (3) add and clarify state-specific language to the regulation that will allow districts and the Department to ensure compliance of educational programs for students with disabilities.

Text:

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

Document No. 4585

OFFICE OF THE GOVERNOR

CHAPTER 58

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

58-101. State Emergency Preparedness Standards

Preamble:

The Office of the Governor proposes amending R.58-101, State Emergency Preparedness Standards. The proposed amendments will update the language of the regulation to comply with current standards of practice. Additionally, the amendments will delineate the roles and responsibilities in emergency management at the state level.

A Notice of Drafting was published in the *State Register* on August 28, 2015.

Section-by-Section Discussion of Proposed Amendments

Section (A)(1) will establish and describe a South Carolina emergency management organization.

Section (A)(2) will describe the South Carolina Emergency Operations Plan (SCEOP) and outline the roles and responsibilities of state government and county government in emergency management.

Section (A)(3) will detail the chain of communication, coordination, direction and control during an emergency at the state level.

Section (A)(4) will detail the chain of communications, coordination, direction, and control during an emergency at the county level.

Section (A)(5) will describe state and county government joint coordination during an emergency.

Section (B)(1) will outline the elements of the SCEOP.

Section (B)(2) will address the responsibilities for the development of plans, annexes, and implementing procedures.

Section (C) will describe the review and approval process of the SCEOP. The Office of the Governor shall be responsible for approval of the SCEOP.

Section (D)(1) will outline the responsibilities of the Office of the Governor in emergency management.

Section (D)(2) will outline the responsibilities of SCEMD in emergency management.

Section (D)(3) will outline the responsibilities of state agencies designated as ESF Lead Agencies in emergency management.

Section (D)(4) will outline the responsibilities of state agencies designated as ESF Support Agencies in emergency management.

Section (E) will establish and describe the functions of a state warning point and a State Emergency Operations Center (SEOC)

Section (F) will require SCEMD to establish an emergency management training and exercise program and will mandate that SCEMD conduct an annual major exercise.

Section (G) will describe the responsibilities of state agencies, county government, and SCEMD in promoting emergency management public awareness.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to Danielle Maynard, Legal Counsel, South Carolina Emergency Management Division, 2779 Fish Hatchery Road, West Columbia, South Carolina 29172, or via email at dmaynard@emd.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on October 26, 2015.

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be held at 10:00 a.m. on Monday, November 9, 2015, at the offices of the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely or properly received, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

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

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Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Emergency Preparedness Standards.

Purpose: The proposed amendments to R.58-101 will support the goal of updating the current regulation to comply with current standards of practice. Furthermore, the proposed amendments will simplify and clarify the current regulation to help define the roles and responsibilities in emergency management at the state level.

Legal Authority: The legal authority for R.58-101 is S.C. Code Section 25-1-420 *et seq.*

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly and publication in the *State Register*. This regulation will also be published on the S.C. Legislature website in the S.C. Code of Regulations. Printed copies will be made available at cost by request through the South Carolina Emergency Management Division.

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

Emergency management has grown and developed since the current regulation was promulgated so it is reasonable and necessary to update the language. Updating and clarifying emergency management standards at the state level will provide much needed guidance as well as explain the coordination between different areas of government.

DETERMINATION OF COSTS AND BENEFITS:

There should be no increased cost to the State or its political subdivisions from this proposed revision. Amendments to R.58-101 will benefit the regulated community by streamlining and clarifying the existing regulation, updating the language with current standards of practice in emergency management, and encouraging the development of emergency management.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

During an emergency, the effectiveness of emergency management operations are directly linked to the health and safety of the public. The proposed amendments to R.58-101 will help clarify and streamline the roles and responsibilities of emergency management which will thereby make operations more efficient during an emergency. There is no anticipated effect on the environment.

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

None.

Statement of Rationale:

The determination to amend this regulation was based on numerous requests received by the South Carolina Emergency Management Division. The current regulation does not reflect the current standards of practice so it is reasonable and necessary to update the language to reflect current practices. It is also important to encourage the development of emergency management to ensure the best response and coordination during an emergency.

During an emergency situation, the clear delineation of roles and responsibilities is crucial to a successful operation and is directly linked to the health and safety of the public.

Text:

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

Document No. 4590

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

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

61-62. Air Pollution Control Regulations and Standards

Preamble:

Pursuant to the Clean Air Act, 42 U.S.C. Section 7401 et seq., and the South Carolina Pollution Control Act, 1976 Code Section 48-1-10 et seq., the South Carolina Department of Health and Environmental Control (“Department”) proposes to amend South Carolina (SC) Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the *State Implementation Plan* (“SIP”), as follows:

1. The Department proposes to amend Regulation 61-62.1, *Definitions and General Requirements*, Section I, *Definitions and the SIP* in order to add a definition for “Emission.” This revision is a result of comments received from the regulated community in 2013 related to the Department’s “2013 General Assembly Package” revisions approved on June 27, 2014. Because of public notice requirements, the Department was unable to submit this revision for approval at that time, but agreed that the change would be submitted for approval as part of the current set of revisions (2015 General Assembly Package).
2. The Department also proposes to amend Regulation 61-62.1, *Definitions and General Requirements*, Section II, *Permit Requirements*, to remove the requirement of a revised air dispersion modeling analysis for permit renewals. Amendments will also include additional definitions for clarification and/or corrections for internal consistency, clarification, reference, punctuation, codification, and spelling to improve the overall text of Regulation 61-62.1 as necessary.
3. The Department also proposes to amend Regulation 61-62.5, Standard No. 4, *Emissions from Process Industries*, to clarify this regulation is not triggered for sources that the Department has removed Particulate Matter (“PM”) limits (from other sections of this regulation).
4. The Department also proposes to amend Regulation 61-62.5, Standard No. 5.2, *Control of Oxides of Nitrogen (NO_x)*, to clarify applicability and exemptions as well as to propose corrections for internal consistency, punctuation, codification, and spelling.
5. The Department also proposes to amend Regulation 61-62.70, *Title V Operating Permit Program*, to remove appeals language as this is generally defined by statutory law (Code Ann. Section 44-1-60 (Supp. 2012) and is redundant, and to clarify qualification language for administrative amendments.
6. The Department also proposes to amend Regulation 61-62 to include corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary. Pursuant to S.C. Code Section 1-23-120(H)(1), the proposed amendments will require legislative review.

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A Notice of Drafting was published in the *South Carolina State Register* (Volume 39, Issue 3) and on the Bureau of Air Quality Regulatory Development website on March 27, 2015. Notice of the Department's intent to draft these regulations was also published on the DHEC Regulatory website site in its *DHEC Regulation Development Update*. The public comment period ended on April 27, 2015. Comments were received and were considered in the development of these revisions.

Discussion of Proposed Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

Regulation 61-62.1, Definitions and General Requirements

Regulation 61-62.1, Section I, Definitions:

A definition for emission is inserted as number 27 to specify that a release or discharge into the atmosphere includes "fugitive emissions."

Regulation 61-62.1, Section I, Definitions:

Definitions are renumbered in alpha-numeric order from definition "27." to the end to account for newly added definition and to ensure clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Text in Paragraph A.3 is amended to replace the words "no later than" with the word "within" for consistency within the regulation.

Regulation 61-62.1, Section II, Permit Requirements:

Section C. Construction Permit Applications, Paragraph 3.m is amended to include the wording "as well as buildings that might affect dispersion of any emissions."

Regulation 61-62.1, Section II, Permit Requirements:

Section E, Synthetic Minor Construction Permits, Paragraph 2.b is amended to replace the words "no later than" with the word "within" for consistency within the regulation.

Regulation 61-62.1, Section II, Permit Requirements:

Section F, Operating Permits, Paragraph 3.b is amended to replace the words "no later than" with the word "within" for consistency within the regulation.

Regulation 61-62.1, Section II, Permit Requirements:

Section G, Conditional Major Operating Permits, Paragraph 4.b is amended to replace the words "no later than" with the word "within" for consistency within the regulation.

Regulation 61-62.1, Section II, Permit Requirements:

Section H, Operating Permits Renewal Requests, Paragraph 3, is amended to replace the words "no later than" with the word "within" for consistency within the regulation.

Regulation 61-62.1, Section II, Permit Requirements:

Section H, Operating Permits Renewal Requests, Paragraph 4.i is amended to replace the requirement of a revised air dispersion modeling analysis for permit renewals with a description of acceptable information.

Regulation 61-62.5, Standard No. 4, Emissions from Process Industries

Regulation 61-62.5, Standard No. 4, Section VIII:

Paragraph A, is amended to add the text "Kraft Pulp and Paper Manufacturing facilities are excluded from Section VIII."

Regulation 61-62.5, Standard No. 4, Section XII:

Paragraph A, is stricken in its entirety to clarify this regulation is not triggered for sources that the Department has removed PM limits (from other sections of this regulation). The appropriate codification is made for the subsequent paragraphs A through F.

Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO_x)

Regulation 61-62.5, Standard No. 5.2, Section I(A):

Revised to add language to explain sources for which this regulation is applicable.

Regulation 61-62.5, Standard No. 5.2, Section I(B):

Revised to strike and add language to clarify sources that are exempt from the requirements of this regulation and ensure internal consistency. The alpha-numeric order was renumbered for clarity and consistency.

Regulation 61-62.5, Standard No. 5.2, Section II:

Revised to strike obsolete definitions and add others to further clarify existing definitions. The alpha-numeric order was edited for clarity and consistency.

Regulation 61-62.5, Standard No. 5.2, Section III:

Revised to add language to further explain the requirements for new affected sources, add clarity to the existing requirements of this regulation, ensure internal consistency, and properly cite items per the 2014 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.5, Standard No. 5.2, Section III, Table 1:

Revised measurement units for control technology and/or emission limit to ensure consistency with the Federal requirements. Revise language to clarify source types, add clarity to the existing requirements of this regulation, and ensure internal consistency.

Regulation 61-62.5, Standard No. 5.2, Section IV, V, and VI:

Revised to strike these Sections addressing requirements for existing sources in their entirety to relocate to the end of this regulation as new Sections V, VI, and VII for ease of use and clarity. Revise and retitle these Sections to clarify the standard requirements, notification requirements, and tune-up requirements for existing affected sources.

Regulation 61-62.5, Standard No. 5.2, Section IV:

Revise and retitle to add new language to clearly identify the requirements for “new affected sources” by adding paragraphs “(A) Boilers”, “(B) Engines”, “(C) Turbines”, and “(D) All Other Affected Source Types” to this Section. Further clarify the requirements of this regulation for each of the added paragraphs described above by adding language to define monitoring, record keeping, tune-ups, and reporting requirements.

Regulation 61-62.70, Title V Operating Permit Program

Regulation 61-62.70, Section 70.1, Program overview:

Revise to strike paragraph “(h), Appeals.” in its entirety, as this is generally defined by statutory law (Code Ann. Section 44-1-60 (Supp. 2012) and is redundant.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to comment on the proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, at a public hearing to be conducted by the Board of the South Carolina Department of Health and Environmental Control at its regularly-scheduled meeting on December 10, 2015. The public hearing is to be held in room 3420 (Board Room), Third floor, Aycock Building of the South Carolina Department of Health and Environmental Control, 2600 Bull Street,

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Columbia, SC. 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 noted in the Board's agenda to be published by the Department twenty-four hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation to the Clerk of the Board for inclusion for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations to Michael C. Monroe by mail at Bureau of Air Quality, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-4487; or by e-mail at monroemc@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on October 26, 2015, the close of the comment period. Comments received during the write-in public comment period by the deadline requested above shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Michael C. Monroe at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; by calling (803) 898-3261; or by emailing monroemc@dhec.sc.gov. A copy may also be obtained on the Department's Regulatory Information Internet Site at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate> in its DHEC Regulation Development Update. To access this document, click on the Air category, then scan down for this proposed amendment.

Preliminary Fiscal Impact Statement:

The Department estimates that there will be no increased costs to the State or its political subdivisions as a result of the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, which are being made to streamline State requirements and therefore reduce economic burden.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose: The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards* will support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments will expand and clarify definitions applicable to air pollution control regulations and standards; streamline permitting options; clarify reporting requirements; and provide corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62.

Legal Authority: The legal authority for Regulation 61-62, *Air Pollution Control Regulations and Standards* is S.C. Code Section 48-1-10 et seq. In accordance with 1976 Code Section 1-23-120(A), legislative review is required.

Plan for Implementation: The proposed amendments will take effect upon approval of the South Carolina General Assembly and publication as final regulations in the *State Register*. A copy of Regulation 61-62, *Air Pollution Control Regulations and Standards* that incorporates these amendments, will be made available electronically on the Department's website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Air/>. The Department will also send an email to stakeholders and will communicate with affected facilities during the permitting process.

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

The Department proposes to amend Regulation 61-62.1, *Definitions and General Requirements*, Section I, *Definitions*, to add clarity to definitions by specifying that a release or discharge into the atmosphere includes fugitive emissions.

The Department also proposes to amend Regulation 61-62.1, *Definitions and General Requirements*, Section II, *Permit Requirements*, to remove the requirement of a revised air dispersion modeling analysis for permit renewals. Amendments will also include clarification and/or corrections for internal consistency to improve the overall text of Regulation 61-62.1 as necessary.

The Department also proposes to amend Regulation 61-62.5, Standard No. 4, *Emissions from Process Industries*, to clarify this regulation is not triggered for sources that the Department has removed particulate matter (PM) limits (from other sections of this regulation).

The Department also proposes to amend Regulation 61-62.5, Standard No. 5.2, *Control of Oxides of Nitrogen (NO_x)*, to clarify applicability and exemptions as well as to propose corrections for internal consistency, punctuation, codification, and spelling.

The Department also proposes to amend Regulation 61-62.70, *Title V Operating Permit Program*, to remove appeals language as this is generally defined by statutory law (Code Ann. Section 44-1-60 (Supp. 2012) and is redundant, and to clarify qualification language for administrative amendments.

The Department also proposes to amend Regulation 61-62 to include corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary. Pursuant to S.C. Code Section 1-23-120(H)(1), the proposed amendments will require legislative review.

The intent of these amendments is to simplify and correct certain issues in our regulatory guidelines to support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. There would be no detrimental effect on the environment and public health if the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, and SIP are adopted.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increased cost to the State or its political subdivisions resulting from this proposed revision. Amendments to Regulation 62-61, *Air Pollution Control Regulations and Standards*, and the SIP will help streamline state requirements to conform to current Prevention of Significant Deterioration, New Source Review, and Title V Permit Program standards. These revisions may potentially save money for the regulated community by providing clarification on exemptions and permitting requirements, as well as eliminating potentially redundant record keeping and reporting requirements, source tests, and modeling demonstrations while continuing to ensure environmental protection.

The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use which will reduce economic burden.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions. Rather these proposed revisions seek to provide clarity to the regulated community and reduce redundancy between state and federal requirements.

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, seek to provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

There is no anticipated detrimental effect on the environment and/or public health associated with these revisions. To the contrary, the state's delegated authority to implement programs beneficial to public health and the environment may be compromised if these amendments were not adopted. Permit streamlining and regulatory text clarification seek to have a positive effect on both the environment and public health.

Statement of Rationale:

The Department began the process to amend South Carolina (SC) Regulation 61-62, *Air Pollution Control Regulations and Standards* by developing an internal workgroup to evaluate the existing air quality regulations to provide clarification, delete or update obsolete requirements, and correct typographical errors as necessary; in response to comments received.

The Department also held external stakeholder meetings to take recommendations and comments on those regulatory amendments identified by the workgroup. Several comments were received during the external stakeholder process and they were taken into consideration in developing the amendments to Regulation 61-62 and the SIP. These regulatory amendments will provide clarity and specificity to the existing regulations, omit obsolete requirements, and provide additional permitting options to the regulated community.

Text:

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

Document No. 4594

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 1-23-10(4) and 44-1-140

61-57. Development of Subdivision Water Supply and Sewage Treatment/Disposal Systems

Preamble:

In the interest of good government and efficiency, the Department proposes repeal of regulation R.61-57. 1976 S.C. Code Section 44-55-822, which now governs the approval process for onsite wastewater systems in subdivisions, and Regulation 61-56, *Onsite Wastewater Systems*, address any major requirements for subdivision onsite wastewater sewage treatment/disposal systems.

A Notice of Drafting for this proposed repeal of the regulation was published in the *State Register* on June 26, 2015. The Department received no public comments during the Notice of Drafting comment period.

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 repeal at a public hearing to be conducted by the Board of Health and Environmental Control on December 10, 2015. The Board will conduct the public hearing on the Third Floor, Aycock Building of the S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. 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 noted in the Board’s agenda to be published by the Department 24 hours in advance of 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 or less, and, as a courtesy, are asked to provide written copies of their presentation 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 repeal by writing to Leonard Gordon, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on October 26, 2015, the close of the public comment period. Written comments received by the October 26, 2015 deadline shall be considered by the Department in formulating the final proposed regulation repeal for public hearing on December 10, 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.

A copy, of the proposed regulation repeal for public comment, may be obtained by contacting Leonard Gordon at the above address. A copy may also be obtained from the *DHEC Regulation Development Update* on the Department’s Regulatory Information Internet Site at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. To access this document, click on the *Update*, the Environmental Health Services category, and scan down for the proposed repeal.

Preliminary Fiscal Impact Statement:

There are no anticipated new costs associated with the implementation of this proposed regulation repeal to the State, its political subdivisions or the regulated community.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Repeal of R.61-57, *Development of Subdivision Water Supply and Sewage Treatment/Disposal Systems*.

Purpose: In the interest of good government and efficiency, the Department proposes repeal of regulation R.61-57. 1976 S.C. Code Section 44-55-822, which now governs the approval process for onsite wastewater systems in subdivisions, and Regulation 61-56, *Onsite Wastewater Systems*, address any major requirements for subdivision onsite wastewater sewage treatment/disposal systems.

Legal Authority: 1976 S.C. Code Sections 1-23-10(4) and 44-1-140.

Plan for Implementation: None. Upon approval of the South Carolina General Assembly and publication as a final regulation repeal in the State Register, this regulation is repealed. R.61-57 will be repealed in Chapter 61 of the Code of Regulations of the South Carolina Code of Laws.

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

In the interest of good government and efficiency, the Department proposes repeal of R.61-57, *Development of Subdivision Water Supply and Sewage Treatment/Disposal Systems*.

R.61-57 was last amended in 2004. 1976 S.C. Code Section 44-55-822, which now governs the approval process for onsite wastewater systems in subdivisions, and Regulation 61-56, *Onsite Wastewater Systems*, address any major requirements for subdivision onsite wastewater sewage treatment/disposal systems.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated fiscal or economic impact on the State, its political subdivisions or the regulated community by the proposed repeal of this regulation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There is no anticipated negative environmental or public health effects resulting from this proposed repeal.

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

There is no anticipated negative effect on the environment and public health by the proposed repeal of this regulation.

Statement of Rationale:

In the interest of efficient and good government, R.61-57, *Development of Subdivision Water Supply and Sewage Treatment/Disposal Systems* is no longer required. With attention to public health and the environment, there exists under current state statutes and other regulations, sufficient authority to address and control any major environmental or public health issues covered by the regulation proposed for repeal.

Text:

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

Document No. 4591

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-140 (11), 44-1-150, and 48-1-10 et seq.

61-56. Onsite Wastewater Systems

Preamble:

South Carolina Regulation 61-56, *Onsite Wastewater Systems*, was last amended effective May 23, 2008. Regulation 61-56 governs the methods of disposition of sewage and prescribes uniform use of design, construction, and installation standards of onsite wastewater systems (septic tank systems).

The purpose of the proposed amendments being considered is to update and bring R.61-56 in line with current statutes and current changes in the technologies of design, construction and installation of onsite wastewater systems since the last revision. The amendments include updates in nomenclature and technology, as well as addition of definitions and clarifications of definitions, site requirements and system requirements. Additionally, to upgrade the overall quality and usefulness of the Regulation stylistic changes are being made for improved clarity and consistency.

See Statements of Need and Reasonableness and Rationale herein.

A Notice of Drafting for this proposed regulation was published in the *State Register* on June 26, 2015.

Section-by-Section Discussion:

The proposed amendments are:

The statutory authority for this Regulation is added under the title and before the Table of Contents to reflect the current authority and for consistency with other Department regulations. The authority for this Regulation was inadvertently omitted by amendment of R.61-56 in *State Register* Document No. 3154 on May 23, 2008 when this Regulation was last amended and replaced in its entirety.

The References section at the beginning of this Regulation under the Title of R.61-56 is being deleted in its entirety and relocated at new Section 101.B. of this Regulation to meet codification requirements pursuant to *State Register* drafting standards for regulations.

Regulation 61-56, Contents heading, is amended by addition of “Table of” to read “Table of Contents” for clarity.

Regulation 61-56, Section 101, Definitions heading, is amended to add the phrase “and References”. Section 101 is divided into 101.A, Definitions, and 101.B, References. The References section that is deleted under the Title of R.61-56 is revised for clarification and consistency, and repositioned at a new section 101.B to meet codification and outlining standards required by the *State Register* for drafting regulations.

Under 101.B.1 of the references section the citation “44-1-20, et seq.” is incorrect and is amended by deletion and is replaced by the addition of the correct citation of 44-1-140(11).

The introductory phrase “are those in force on the effective date of this Regulation” has been added for clarification under 101.B.1 of the references section for designated Statutes.

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Under 101.B.1 of the references section there are added three new statutory citations at B.1 (f), (g), and (h) that are now mentioned in specific amendments made to the Regulation. The added statutes are “(f) 1976 S.C. Code of Laws, Section 48-39-280 et seq., South Carolina Coastal Tidelands and Wetlands (1976 Code as amended)”;

“(g) 1976 S.C. Code of Laws, Section 44-55-1410 et seq., Water and Sewer Facilities in Counties (1976 S.C. Code as amended)”;

and “(h) 1976 S.C. Code of Laws, Section 5-31-2010 et seq., Additional Powers of Municipalities as to Sewage Collection and Disposal (1976 S.C. Code as amended)”.

Under 101.B.1 of the references section, “1976” is added before “S.C. Code of Laws” to amend 101.B.1 (a) and 101B.1 (b) for correct citation of statute for clarification and consistency.

Under 101.B.1 (a), (b), (c), (d), (e), (f), (g), and (h) of the references section, the word “Section” is added before citation numbers for correct citation of statute for clarification and consistency.

The introductory phrase “are those in force on the effective date of this Regulation” has been added for clarification under 101.B.2 of the references section for designated Regulations.

Under 101B.2 the introductory phrase is amended by deleting the words “standards and/or publications are” and adding in its place “Regulation” for clarity.

The introductory phrase “are those in force on the effective date of this Regulation” has been added for clarification under 101.B.3 of the references section for designated manufacturing and procedural standards.

Under 101.B.3 of the references section there are added two new references at (d) and (f) standards that are now mentioned in in the added Section 900 of the amendment. The added references are “(d) Canadian Standard Association (CSA)” and “(f) International Association of Plumbing and Mechanical Officials (IAPMO)”. Also under 101.B.3 the citations references of 1. through 8. were amended for clarity and consistency to 101.B.3 (a) through (i).

In the introductory sentence of 101.B.1, 101.B.2, and 101.B.3 the word “regulation” is amended to read “Regulation” for consistency elsewhere in each subsection introductory sentence.

Adding:

Regulation 61-56, Subsection 103.3 is amended to add the requirement for the licensed septic tank contractor’s signature that verifies the onsite wastewater system was installed as the permit prescribed. This requirement is needed to guarantee the onsite wastewater system was installed based on the site evaluation and permit issued for the onsite wastewater system. Any variations or modifications from the permit would require further site evaluation and permit modification/revision.

Regulation 61-56, Section 101 is amended to add a definition for “Site Evaluation.” This definition is added to clarify in detail the meaning of a “Site Evaluation.”

Regulation 61-56, Section 101 is amended to add a definition for “Perched Zone of Saturation”. This definition is added to clarify in detail the meaning of a “Perched Zone of Saturation” so as to distinguish various saturation zones of soil.

Regulation 61-56, is amended to add “Section 900 Appendix V – Thermoplastic Tanks Standard” to address low profile septic tanks. The addition of this section on low profile septic tanks will clarify the use of this new technology.

Amending:

In Regulation 61-56, Section 101, the definition heading of “campground” is amended to read “CAMPGROUND” for consistency with all other definition heading formatting.

In Regulation 61-56, Section 101, the definition heading of “Small Onsite Wastewater System” is amended to read “SMALL ONSITE WASTEWATER SYSTEM” for consistency with all other definition heading formatting.

In Regulation 61-56, Section 101, the definition heading of “Large Onsite Wastewater System” is amended to read “LARGE ONSITE WASTEWATER SYSTEM” for consistency with all other definition heading formatting.

In Regulation 61-56, Section 101, the definition of “Critical Area Line” is amended to be consistent with the definition and language for “Critical Area” found in the Coastal Tidelands and Wetlands Act (S. C. Code Section 48-39-10 et seq.).

The definition of “Redox Depletions” be modified so as to describe the different lighter color or shades of lighter color interspersed with the dominant matrix color of the soil.

The definition of “Zone of Saturation” to clarify the redox depletions of value four (4) or more and chroma two (2) or less using soil color charts in the zone of saturation.

Subsection 102.6 under Section 102 GENERAL to clarify that a Registered Professional Engineer licensed in the State of South Carolina may also design all onsite wastewater systems where the sewage flow will be less than fifteen hundred (1500) gallons per day (gpd).

Subsection 200.6(4) is amended to match the intent of the amended definition of “Critical Area Line” to “Critical Area” by revision of language.

The definition of “Accessible” in Section 101 is amended to further clarify the meaning of accessibility as discussed in Section 300 “Wastewater Treatment Facility Accessibility.” The definition will then be consistent with S.C. Code Sections 44-55-1410 and 5-31-2010 on authority to allow access to wastewater treatment facilities in lieu of installation of an onsite wastewater system. The word “Accessible” is changed to “Accessibility” as well as amending the definition.

Section 415, Appendix O – System Standard 610 – Specialized Onsite Wastewater Designs (Less than 1500 gpd), is amended to remove subsection (2) in its entirety, and to revise subsection (3) to streamline the permitting process for the specialized onsite wastewater systems.

Subsection 600.4(1) is amended by adding the minimum installation depth of the force main on an onsite wastewater system pump.

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 amendment of regulation at a public hearing to be conducted by the Board of Health and Environmental Control on December 10, 2015. The Board will conduct the public hearing on the Third Floor, Aycock Building of the S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. 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 noted in the Board’s agenda to be published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any

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change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and, as a courtesy, are asked to provide written copies of their presentation 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 amendment of regulation by mailing to Leonard Gordon, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on October 26, 2015, the close of the public comment period. Written comments received by the October 26, 2015 deadline shall be considered by the Department in formulating the final proposed regulation amendment for public hearing on December 10, 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.

A copy of the proposed amendment of regulation for public comment may be obtained by contacting Leonard Gordon at the above address. A copy may also be obtained from the *DHEC Regulation Development Update* on the Department's Regulatory Information Internet site at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. To access this document, click on the *Update*, the Environmental Health Services category, and scan down for the proposed amendment.

Preliminary Fiscal Impact Statement:

The proposed amendment of regulation will have no anticipated fiscal or economic impact on the State, its political subdivisions or the regulated community. Implementation of this regulation will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or State government due to any inherent requirements of this regulation.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Amendment of R.61-56, *Onsite Wastewater Systems*.

Purpose: The purpose of the proposed amendments being considered is to update and bring R.61-56 in line with current statutes and current changes in the technologies of design, construction and installation of onsite wastewater systems since the last revision. The amendments include updates in nomenclature and technology, as well as addition of definitions and clarifications of definitions, site requirements and system requirements. Additionally, to upgrade the overall quality and usefulness of the Regulation stylistic changes are being made for improved clarity and consistency.

Legal Authority: 1976 Code Sections 44-1-140(11), 44-1-150, and 48-1-10 et seq.

Plan for Implementation: Upon approval by the General Assembly and publication in the *State Register* as a final regulation, a copy of R.61-56, to include these amendments, will be available electronically on the Department's Internet site at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/SepticTanks/> under the Septic Tanks category and subsequently in the Code of Regulations of the S.C. Code of Laws.

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

The proposed amendments are needed and reasonable since they will provide clarification regarding applicability of R.61-56 and provide continued uniformity and consistency with the latest scientific and industry technology changes in onsite wastewater system design, construction and installation.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or State government due to any inherent requirements of this amendment.

External Costs: There are no anticipated external costs for implementing the proposed amendments to update and clarify the applicability of R.61-56 to current standards for onsite wastewater systems.

External Benefits: The amendments will clarify specific requirements through refined definitions, and improve uniformity and consistency of applications for installation of onsite wastewater systems using updated, uniform and consistent information sources.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There is no anticipated negative environmental or public health effects resulting from the proposed amendment of this regulation.

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

There is no anticipated negative effect on the environment and public health by the proposed amendment of this regulation.

Statement of Rationale:

The Department is amending this regulation in the interest of being uniform and consistent with changes and updates in the technology applicable to onsite wastewater systems. The clarification of terminology and nomenclature that affects the understanding of the requirements for the installation of onsite wastewater systems will help the industry. The continued protection of the environment and public health with the amendment of R.61-56 will benefit the citizens of South Carolina who utilize onsite wastewater systems for sewage disposal.

Text:

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

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Document No. 4596

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-7-260

61-103. Residential Treatment Facilities for Children and Adolescents.

Preamble:

Regulation 61-103 has not been substantively updated since 1991. The proposed amendments herein include the Department's effort to incorporate updates and clarification relating to licensing requirements, accident and incident reporting, admission and intake requirements, resident rights, program activities, inservice training, infection control and sanitation, record maintenance and retention practices, personnel requirements, medication management, fire and life safety requirements, and construction and design requirements. In addition, current provider-wide exceptions and memoranda applicable to residential treatment facilities for children and adolescents have been incorporated.

A Notice of Drafting was published in the *State Register* on May 22, 2015.

Section-by-Section Discussion of Proposed Amendments

TABLE OF CONTENTS

The table of contents was added.

61-103.100. Definitions (formerly 61-103.A(1))

The definitions of 101.A Abuse, 101.B Administrator, 101.C Airborne Infection Isolation, 101.D Annual, 101.E Assessment, 101.F Authorize Healthcare Provider, 101.G Blood Assay for *Mycobacterium tuberculosis*, 101.I Consultation, 101.J Contact Investigation, 101.K Controlled Substance, 101.M Designee, 101.O Direct Care Staff Member, 101.P Discharge, 101.Q Dispensing Medication, 101.R Exploitation, 101.S Facility, 101.T Health Assessment, 101.U Incident, 101.V Individual Treatment Plan, 101.W Inspection, 101.X Investigation, 101.Y Latent TB Infection, 101.Z Legend Drug, 101.AA License, 101.BB Licensed Nurse, 101.DD Local Transportation, 101.EE Medication, 101.FF Neglect, 101.GG Nonlegend Drug, 101.HH Physical Examination, 101.II Physician, 101.JJ Physician Assistant, 101.KK Quarterly, 101.LL Repeat Violation, 101.NN Resident Room, 101.PP Responsible Party, 101.QQ Restraint, 101.RR Revocation of License, 101.SS Risk Assessment, 101.TT Sponsor, 101.UU Staff Member, 101.VV Suspension of License, and 101.WW Volunteer were added. The definitions of 101.H (formerly A(1)(d)) Child/Adolescent, 101.L (formerly A(1)(e)) Department, 101.N (formerly A(1)(f)) Dietitian, 101.CC (formerly A(1)(k)) Licensee, 101.MM (formerly A(1)(n)) Resident, and 101.OO (formerly A(1)(o)) Residential Treatment Facility for Children and Adolescents have been amended. The definitions of A(1)(A) Attic, A(1)(b) Automatic Sprinkler System, A(1)(c) Basement, A(1)(g) Existing Facilities, A(1)(h) Exit, A(1)(i) Fire-Resistance Rating, A(1)(j) First Floor, A(1)(l) Multi-Story, A(1)(m) New Facilities, and A(1)(p) Story have been deleted. The remaining definitions were renumbered to adjust the codification.

61-103.A(2). Interpretations

This section has been deleted.

61-103.102. LICENSE REQUIREMENTS (formerly 61-103.B)

Section B title was renamed License Requirements and renumbered to adjust the codification.

61-103.102.A. License

Section 102.A was added to delineate the scope of licensure and to require that the facility shall provide only the care and services it is licensed to provide pursuant to the defined facility requirements.

61-103.102.B. Compliance (formerly 61-103.A(2)(f))

Section 102.B was relocated from former Section A(2)(f) and clarifies the requirements for compliance with these regulations.

61-103.102.C. Compliance with Structural Standards

New Section 102.C was added to allow facilities licensed at the time of promulgation of these regulations to continue utilizing the previously-licensed structure without modification.

61-103.102.D. Licensed Bed Capacity

New Section 102.D was added to delineate the requirements of the licensed bed capacity for facilities.

61-103.102.E. Persons Received in Excess of Licensed Bed Capacity

New Section 102.E was added to require that facilities not exceed the licensed number of beds as stated on the face of the license. Section 102.E further adds an exception for persons received in cases of emergency.

61-103.102.F. Issuance and Terms of License (formerly 61-103.B(2))

Section 102.F (formerly B(2)) was relocated and amended to clarify the license terms and provisions relating to multiple facilities and license placement within the facility.

61-103.102.G. Facility Name (formerly 61-103.B(2)(d))

Section 102.G was relocated from former Section B(2)(d).

61-103.102.H. License Application (formerly 61-103.B(1))

Section 102.H was relocated from former Section B(1) and clarifies the requirements of the license application.

61-103.102.I. Licensing Fees

New Section 102.I was added to prescribed the fees required for licensure. Section 102.I adds that fees for additional beds shall be prorated based upon the remaining months of the licensure years.

61-103.102.J. Late Fee

New Section 102.J was added to require a late fee of seventy-five dollars (\$75.00) or twenty-five percent (25%) of the licensing fee amount for failure to submit a renewal application or fee by the license expiration date. Section 102.J further adds that continual failure to submit completed and accurate renewal applications and/or fees by the expiration date may result in an enforcement action.

61-103.102.K. License Renewal

New Section 102.K was added to delineate the requirements for license renewals. Section 102.K further adds that if a license renewal is delayed due to enforcement actions, the renewal license shall be issued only when the matter has been resolved.

61-103.102.L. Change of License (formerly 61-103.B(3))

Section 102.L was relocated from former Section B(3). Section 102.L.2 was added to require that changes in facility name or address, as notified by the post office, shall be accomplished by application or by letter from the licensee.

61-103.102.M. Exceptions to Licensing Standards (formerly 61-103.A(2)(h))

Section 102.M was relocated from former Section A(2)(h) and clarifies the exceptions to these standards.

61-103.200. ENFORCEMENT OF REGULATIONS

New Section 200 title was added for clarity and to update codification.

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61-103.201. General

New Section 201 was added to delineate the means and methods by which the Department enforced these regulations

61-103.202. Inspections and Investigations (formerly 61-103.A(2)(e))

Section 202.A (formerly A(2)(e)) requires an inspection prior to initial licensing of a facility. Section 202.B was added to state that facilities are subject to inspection or investigation at any time without prior notice by individuals authorized by state law. Section 202.C clarifies the use of photocopied records during an inspection or investigation. Section 202.D delineates the requirements for facilities found noncompliant with the standards of these regulations. Section 202.E delineates FOIA requirements for inspection and investigation reports. Section 202.F states that the Department may charge a fee for inspections and delineates the assessed fees for inspections.

61-103.203. Consultations

New Section 203 was added to allow consultations by the Department as requested by the facility or as deemed appropriate by the Department.

61-103.300. ENFORCEMENT ACTIONS (formerly 61-103.A(3))

The amendment revises the language in Section 300 (formerly A(3)) to clarify enforcement actions and adds the appropriate section title.

61-103.301. General (formerly 61-103.A(3))

Section 301 was relocated from former Section A(3) and adds language subjecting facilities to monetary penalties, or license revocation, suspension, or denial for statutory or regulatory violations.

61-103.302. Violation Classifications

Sections 302.A-D takes language from former Section A(3) and clarifies the different violation classifications. Section 302.E prescribes the factors considered in arriving at a decision to take enforcement action. Section 302.F delineates the monetary penalty ranges for violations within a thirty-six (36) month period.

61-103.400. POLICIES AND PROCEDURES (formerly 61-103.C(8))

Section 400 was relocated from former Section C(8) and clarifies the requirements of facility policies. Section 400.B was added to require facilities to establish a time period for review of all policies and procedures, at a minimum of every two (2) years, and requires that reviews be documented.

61-103.500. STAFF AND TRAINING

New Section 500 title was added for clarity.

61-103.501. Governing Authority (formerly 61-103.C(2))

Section 501 (formerly C(2)) was amended to clarify the requirements and duties of the governing authority of the facility.

61-103.502. Administrator (formerly 61-103.C(3))

Section 502 was relocated from former Section C(3) and delineates the requirements of the facility administrator. Section 502.B requires that an administrator appointed subsequent to the promulgation of these regulations shall have a baccalaureate or associate degree with at least two (2) years of experience in a health-related field within the past five (5) years. Section 502.D requires a staff member to be designated in writing to act in the absence of the administrator.

61-103.503. Personnel (formerly 61-103.C(5))

Sections 503.A and 503.B prescribe the criminal background check requirements for new personnel. Section 503.C requires that staff members and volunteers be provided the necessary training to perform their duties.

Section 503.D delineates the minimum qualifications for personnel. Section 503.G requires written agreements between facilities and third parties when the facility utilizes an outside source to provide services at the facility.

61-103.504. Staff (formerly 61-103.F)

Section 504.A requires a direct care staff member actively on duty and present in the facility at all times the facility is occupied. Section 504.B states that the number and qualifications of staff members shall be determined by the number and condition of the residents. Section 504.C requires the facility to maintain documentation to ensure compliance with direct resident care staffing requirements.

61-103.505. Direct Resident Care Staffing (formerly 61-103.F(6))

Section 505.A was added to require a physician or authorized healthcare provider on-call twenty-four (24) hours a day and to require that his or her contact information be clearly posted in accessible places for all staff. Section 505.B was relocated from former Section F(6)(b). Section 505.C was relocated from former Section F(6)(a).

61-103.506. Inservice Training (formerly 61-103.C(5)(e))

Section 506 was relocated from former Section C(5)(e). Section 506.A requires documentation of all inservice training signed and dated by the individual receiving the training and the individual providing the training and delineates the required inservice training. Section 506.B (formerly C(5)(d)) requires that all new staff and volunteers have documented orientation to the facility and their required duties and responsibilities within twenty-four (24) hours of their first day on the job in the facility.

61-103.507. Health Status

New Section 507 was added to require all staff members who have contact with residents to have a health assessment, including tuberculin skin testing, within twelve (12) months prior to initial resident contact.

61-103.600. REPORTING

New Section 600 was added to delineate the facility's reporting requirements.

61-103.601. Accidents and/or Incidents

Section 601.A requires the facility to maintain a record of each accident and/or incident for six (6) years after the resident stops receiving services. Section 601.B requires the facility to report each accident and/or incident resulting in unexpected death or serious injury within twenty-four (24) hours to the next of kin and the Department. Section 601.B further provides a non-exhaustive list of accidents and/or incidents required to be reported. Section 601.C requires the facility to immediately report every serious accident and/or incident to the attending physician, next of kin or responsible party and local law enforcement when applicable. Section 601.D requires the facility to submit a written report of its investigation of the accident and/or incident to the Department, including specific items, within five (5) calendar days of the accident and/or incident. Section 601.E requires the facility to retain these reports. Section 601.F requires the administrator or his or her designee to report abuse and suspected abuse, neglect, or exploitation to the appropriate authorities.

61-103.602. Fire and Disasters

Section 602.A requires the facility to immediately notify the Department of any fire in the facility and submit to the Department a complete written report within seventy-two (72) hours of the fire. Section 602.B requires the facility to immediately report any fire or natural disaster that displaces residents or jeopardizes or potentially jeopardizes the safety of the residents.

61-103.603. Communicable Diseases and Animal Bites

Section 603 requires that all cases of diseases and animal bites that require reporting to be accomplished in accordance with Regulation 61-20, Communicable Diseases.

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61-103.604. Administrator Change

Section 604 requires the facility to notify the Department in writing within seventy-two (72) hours of any change in administrator status and provide to the Department in writing within ten (10) days the name of the new administrator.

61-103.605. Accounting of Controlled Substances

Section 605 requires the facility to report any theft or loss of controlled substances to local law enforcement and the Department's Bureau of Drug Control upon discovery of the theft or loss.

61-103.606. Emergency Placement Notification

Section 606 requires the facility to notify the Department no later than the following workday of the names and location of individuals relocated to temporary sheltering facilities. Section 606 further requires approval from the Department when relocation to the receiving facility exceeds five (5) days.

61-103.607. Facility Closure

Section 607.A was added to require facilities to notify the Department in writing prior to the permanent closure of a facility and to require the facility to notify the Department within ten (10) days of closure of the provisions to maintenance of the facility records. Section 607.B was added to delineate the requirements of facilities temporarily closing.

61-103.608. Zero Census

Section 608 requires that when there have been no residents in the facility for a period of ninety (90) days or more, the facility shall notify the Department in writing that there have been no admissions no later than the one hundredth (100th) day following the date of departure of the last active resident.

61-103.700. RESIDENT RECORDS (formerly 61-103.G)

Section 700 (formerly G) updates the requirements for resident records and adds a new section title for clarity.

61-103.701. Content (formerly 61-103.G(1)(e))

Section 701 was relocated from former Section G(1)(e) and clarifies and updates the requirements of resident records. Section 701.A (formerly G(1)(e)) was updated to allow for electronic records.

61-103.702. Initial Assessment and Treatment Planning

Section 702.A was added to require a written initial assessment, signed and dated by all participants, of the resident to ensure appropriateness of placement prior to admission, but no later than seventy-two (72) hours after admission. Section 702.B requires an initial treatment plan to be formulated, written, and interpreted to the staff and resident within seventy-two (72) hours of admission.

61-103.703. Comprehensive Assessment (formerly 61-103.D(2)(a))

Section 703 was relocated from former Section D(2)(a) and prescribes the requirements of the comprehensive assessment.

61-103.704. Individual Treatment Plan (formerly 61-103.D(2)(b))

Section 704.A requires the facility to develop an Individual Treatment Plan (ITP) within fourteen (14) days of admission. Section 704.A further states that the ITP shall be reviewed and/or revised as changes in resident needs occur, but not less than semi-annually. Section 704.B requires the comprehensive treatment plan to be reviewed at least every ninety (90) days or more frequently if the objectives of the program indicate. Section 704.C delineates the specific requirements of the ITP. Section 704.D requires the ITP to delineate the responsibilities of the sponsor and of the facility in meeting the needs of the resident.

61-103.705. Record Maintenance (formerly 61-103.G(3))

Section 705.A (formerly G(3)(a)) was amended to require the facility to provide accommodations, space, supplies, and equipment adequate for the protection and storage of resident records. Section 705.B was added to

require that when a resident is transferred from one facility to another, a transfer summary, including physical examination, TB testing, the ITP, and the medication administration record, shall be forwarded to the receiving facility at the time of transfer or immediately thereafter. Section 705.C was added to ensure confidentiality of resident records. Section 705.D was added to require that records generated for residents from other entities be maintained by the facility. Section 705.E allows the facility to determine the medium in which information is stored. Section 705.F (formerly G(3)(d)) was relocated and updated to add that upon discharge of a resident, the record shall be completed within thirty (30) days. Section 705.G requires resident records to be maintained for at least six (6) years following the discharge of the resident and other regulation-required documentation to be retained at least twelve (12) months or since the most recent Department general inspection, whichever is the longer period. Former Section G(3)(c) was re-codified as an exception and allows for the original record to follow the resident when he or she moves from one licensed facility to another within the same provider network, meaning the same licensee.

61-103.800. ADMISSION AND RETENTION (formerly 61-103.D(1))

Section 800 was relocated from former Section D(1) and prescribes the requirements for admission and retention.

61-103.900. RESIDENT CARE AND SERVICES

New section title was added for clarity.

61-103.901. General

Section 901.A requires that prior to admission there shall be a written agreement between the resident and/or his or her responsible party and the facility, as evidenced by their signatures, and delineates the required items in the written agreement. Section 901.B requires the facility to coordinate with residents to provide care and services and to detail the care and services in the ITP. Section 901.C requires the facility to render care and services in accordance with orders from physicians or other authorized healthcare providers and to take precautions for residents with special conditions. Section 901.D requires the facility to provide necessary items and assistance for residents to maintain their personal cleanliness. Section 901.E requires facilities to recognize, respect, and accommodate for cultural differences in residents. Section 901.F requires the facility to provide opportunities for religious services for residents. Section 901.G requires that in the event of closure of a facility, the facility shall ensure continuity of care and services by promptly notifying the resident’s attending physician or other authorized healthcare provider.

61-103.902. Program Activities (formerly 61-103.H)

Section 902.A requires the facility to provide a variety of recreational programs to suit the interests and capabilities of the residents that choose to participate. Section 902.B requires at least one (1) different structured recreational activity provided daily each week. Section 902.C requires the facility to designate a staff member responsible for the development of the recreational program. Section 902.D requires the facility to maintain recreational supplies adequate and sufficient to accomplish the activities planned. Section 902.E requires the facility to provide a current month’s schedule of activities offered. Section 902.F was relocated from former Section H(1) and clarifies the requirements of activities.

61-103.903. Transportation

Section 903 was added to require that the facility secure or provide transportation for residents when a physician’s services are needed.

61-103.904. Restraints and Seclusion (formerly 61-103.E)

Section 904 was relocated from former Section E and clarifies the requirements for restraints and seclusion. Section 904.A was relocated from former Section E. Section 904.B prohibits the use of restraints or seclusion for staff convenience and adds that in cases of extreme emergencies when a resident is a danger to him or herself or others, mechanical and/or physical restraints may be used as ordered by a physician or other authorized healthcare provider. Section 904.C requires facilities to use only those devices specifically designed as restraints and prohibits the use of makeshift restraints. Section 904.D requires that residents requiring restraint for more than twenty-four (24) hours be transferred to an appropriate facility. Section 904.E was relocated from former

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Section E(3)(c). Section 904.F was relocated from former Section E(3)(d). Section 904.G was relocated from former Section E(3)(e). Section 904.H was relocated from former Section E(4)(f). Section 904.I was relocated from former Section E(4)(g). Section 904.J was relocated from former Section E(4)(h).

61-103.905. Discharge and Transfer (formerly 61-103.E(5))

Section 905.A was relocated from former Section E(5)(a). Section 905.B requires that prior to discharge, the resident, his or her appropriate family member and sponsor (if any) shall be consulted. Section 905.C was relocated from former Section E(5)(b). Section 905.D was relocated from former Section E(5)(c). Section 905.E requires that upon transfer or discharge, resident information shall be released in a manner that promotes continuity of care. Section 905.F requires that upon transfer or discharge the facility shall ensure that all medications, personal possessions, and funds are released to the responsible party and/or receiving facility.

61-103.1000. RIGHTS AND ASSURANCES

New section title was added for clarity to clearly delineate the requirements of residents' rights and assurances.

61-103.1001. General

Section 1001.A was added to require that the grievance and complaint procedure be placed in a conspicuous place in a public area of the facility and include the address and phone number of the Department. Section 1001.B requires the care, services, and items provided by the facility to be delineated in writing and verified by signature of the resident or responsible party. Section 1001.C prohibits discrimination of residents or potential residents. Section 1001.D requires that the facility comply with all relevant federal, state, and local laws and regulations concerning discrimination. Section 1001.E prohibits residents from performing duties of staff members. Section 1001.F requires that residents be permitted to use the telephone and allowed privacy on calls. Section 1001.G requires adequate safeguards for protection and storage of residents' personal belongings. Section 1001.H requires provisions to be made for safeguarding money and valuables for residents requesting this assistance.

61-103.1002. Statement of Rights of Residents

Section 1002.A was relocated from former Section C(7) and further delineates the rights that shall be afforded to residents. Section 1002.B requires that the Statement of Rights of Residents be posted in a conspicuous place in the facility.

61-103.1100. RESIDENT PHYSICAL EXAMINATION

New section title was added for clarity and codification. Section 1100.A was relocated from former Section D(2)(a)(1)(a) and requires a physical examination completed by a physician or other authorized healthcare provider within thirty (30) days prior to admission or within forty-eight (48) hours of admission and at least annually thereafter and delineates the required areas of the physical examination. Section 1100.B requires that where there is a need for further testing or treatment, arrangements shall be made to carry out the further testing. Section 1100.C delineates the required actions when a resident or potential resident has a communicable disease.

61-103.1200. MEDICATION MANAGEMENT

New section title was added for clarity.

61-103.1201. General

Section 1201.A delineates the requirements of management and storage of medications and supplies in the facility. Section 1201.B prescribes the requirements for first aid kits within the facility. Section 1201.C requires the facility to maintain applicable reference materials published within the previous three (3) years available to staff members administering medications.

61-103.1202. Medication and Treatment Orders

Section 1202.A requires that medications and treatments be administered to residents only upon orders, including standing orders, of a physician or other authorized healthcare provider. Section 1202.B (formerly G(2)) requires that all orders, including verbal orders, be received only by legally authorized staff members and signed and

dated by a physician or other authorized healthcare provider no later than seventy-two (72) hours after the order is given. Section 1202.C requires that medications and supplies ordered for a specific resident not be provided or administered to any other resident.

61-103.1203. Administering Medication and Treatments

Section 1203 was added to delineate the requirements of medication and treatment administration. Section 1203.D requires that a documented review of the MARs be performed by outgoing staff members at each shift change.

61-103.1204. Pharmacy Services (formerly 61-103.F(3))

Section 1204.A requires that any pharmacy within the facility be provided by or under the direction of a pharmacist. Section 1204.B requires facilities that maintain stocks of legend drugs and biologicals obtain and maintain a valid, current pharmacy permit from the S.C. Board of Pharmacy. Section 1204.C requires that labeling of medications be in compliance with all laws and regulations. Section 1204.D combines former Sections F(3)(a)(1) and F(3)(a)(3) and clarifies the requirements of the consulting pharmacist. Section 1204.E was relocated from former Section F(3)(c).

61-103.1205. Medication Containers

Section 1205.A delineates the requirements of medication containers. Section 1205.B requires an updated label on medications when a physician or authorized healthcare provider changes the dosage of a medication.

61-103.1206. Medication Storage

Section 1206.A requires that medications be properly stored and safeguarded in a locked medicine preparation room or locked in a cabinet at or near the staff work area to prevent access by unauthorized individuals. Section 1206.B prescribes the requirements for medications requiring refrigeration. Section 1206.C delineates the requirements of medication storage. Section 1206.D requires that the facility maintain records of receipt, administration, and disposition of all controlled substances. Section 1206.E delineates the storage and maintenance requirements for legend and nonlegend medications.

61-103.1207. Disposition of Medications

Section 1207 prescribes the requirements of medication disposition, including requirements for release to the resident and destruction of controlled substances.

61-103.1300. MEAL SERVICE (formerly 61-103.I)

Section 1300 was relocated from former Section I and the title was amended.

61-103.1301. General

Section 1301.A requires that all facilities preparing food onsite shall be approved by the Department, and regulation, inspected, and permitted pursuant to Regulation 61-25. Section 1301.B requires that when meals are catered to a facility, such meals shall be obtained from an establishment permitted by the Department, pursuant to R.61-25. Section 1301.C require that liquid or powder soap dispensers and sanitary paper towels be available at each food service handwash lavatory.

61-103.1302. Food and Food Storage (formerly 61-103.I(1)(c)(2))

Section 1302 (formerly I(1)(c)(2)) requires at least a one (1) week supply of staple foods and a two (2) day supply of perishable foods to be maintained on the premises.

61-103.1303. Meals and Services (formerly 61-103.I(1)(a))

Section 1303.A requires facilities to provide dietary services to meet the daily nutritional needs of the residents. Section 1303.B prescribes the requirements of the dining area. Section 1303.C requires a minimum of three (3) nutritionally-adequate meals in each twenty-four (24) hour period. Section 1303.D requires that correct food temperatures be maintained. Section 1303.E prohibits the same foods from being repetitively served during each seven (7) day period. Section 1303.F requires specific times for meal service to be established and documented

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on a posted menu. Section 1303.G requires food and snacks to be offered between meals. Section 1303.H delineates the requirements pertaining to tray service.

61-103.1304. Meal Service Personnel (formerly 61-103.I(2))

Section 1304.A requires sufficient staff members to serve food and provide individual attention and assistance if needed. Section 1304.B requires that dietary services be organized with established lines of accountability and clearly defined job assignments for those engaged in food preparation and serving.

61-103.1305. Diets

Sections 1305.A and 1305.B delineate the requirements for facilities with residents in need of medically-prescribed special diets. Section 1305.C was relocated from former Section I(1)(2) and delineates the requirements of the facility dietitian. Section 1305.D requires the facility to maintain a diet manual published within the previous five (5) years.

61-103.1306. Menus

Section 1306.A requires that menus be planned and written a minimum of one (1) week in advance and be posted in one or more conspicuous places in a public area. Section 1306.B requires records of menus to be maintained at least thirty (30) days.

61-103.1307. Ice and Drinking Water (formerly 61-103.I(3)(a))

Section 1307.A requires that ice be from a water system in compliance with Regulation 61-58. Section 1307.B requires that potable drinking water be available and accessible to residents at all times. Section 1307.C (formerly I(3)(a)(3)) prohibits the usage of common cups. Section 1307.D (formerly I(3)(a)(2)) requires that ice delivered to resident areas in bulk be in nonporous, covered containers and cleaned after each use.

61-103.1400. EMERGENCY PROCEDURES AND DISASTER PREPAREDNESS

Section 1400 title was added for codification.

61-103.1401. Disaster Preparedness

Section 1401.A was added to require the facility to develop a written plan to be initiated in the event of a disaster and/or emergency evacuation and further requires that this plan shall be rehearsed annually. Section 1401.B delineates the requirements of the emergency and disaster evacuation plan.

61-103.1402. Emergency Call Numbers

Section 1402 was added to require that the facility post emergency call data in a conspicuous place and include at least the telephone numbers of fire and police departments, ambulance service, and poison control.

61-103.1403. Continuity of Essential Services

Section 1403 was added to require the facility to develop a written plan to be implemented to ensure continuation of essential patient support services in the event of inclement weather or other causes.

61-103.1500. FIRE PREVENTION AND PROTECTION (formerly 61-103.J)

Section 1500 was relocated from former Section J and the section title was amended for clarity.

61-103.1501. Arrangements for Fire Department Response and Protection (formerly 61-103.J(1))

Section 1501.A was added to require facilities to develop a suitable written plan for actions to be taken in the event of fire and other emergencies. Section 1501.B requires the facility to meet all requirements prescribed by the S.C. State Fire Marshal. Section 1501.C was relocated from former Section J(1).

61-103.1502. Fire Response Training (formerly 61-103.J(6)(b))

Section 1502 was relocated from former Section J(6)(b) and requires fire response training for each employee of the facility within twenty-four (24) hours of initial resident contact and annually thereafter.

61-103.1503. Fire Drills (formerly 61-103.J(6)(c))

Section 1503.A was relocated from former Section J(6)(c)(1). Section 1503.B was relocated from former Section J(6)(c)(2). Section 1503.C was added to prescribe the objectives of fire drills.

61-103.1600. PREVENTATIVE MAINTENANCE (formerly 61-103.K)

Section 1600 (formerly K(1)) was amended to require that the facility keep the structure and all associated components and equipment in good repair and operating condition. Section 1600 further requires code compliance and documentation of preventative maintenance.

61-103.1700. INFECTION CONTROL AND ENVIRONMENT

Section 1700 title was added for clarity.

61-103.1701. Staff Practices

Section 1701 was added to delineate the requirements of staff practices in order to prevent the spread of infectious, contagious, or communicable diseases and provide for the proper disposal of toxic and hazardous substances.

61-103.1702. Tuberculin Skin Testing

Section 1702.A was added to require facilities to conduct an annual tuberculosis risk assessment in accordance with CDC guidelines. Section 1702.B was added to require that a risk classification be part of the risk assessment in determining the need for an ongoing TB screening program for staff and the frequency of screening. Section 1702.C takes language from former Section C(5)(a) and amends the requirements of tuberculosis screening for staff to comply with current CDC guidelines. Section 1702.D delineates the requirements for resident tuberculosis screening procedures.

61-103.1703. Housekeeping (formerly 61-103.K(2))

Section 1703.A was relocated from former Section K(2)(a). Section 1703.B delineates the specific requirements of interior housekeeping. Section 1703.C delineates the specific requirements of exterior housekeeping.

61-103.1704. Infectious Waste

Section 1704 was added to require that all accumulated waste, including all contaminated sharps, dressings, and/or similar infectious waste, be disposed of in a manner compliant with OSHA and Regulation 61-105.

61-103.1705. Clean and Soiled Linen and Clothing

Section 1705.A takes language from former Section K(2)(c) and amends the requirements of clean linen and clothing relating to storage, supply, and transporting linens. Section 1705.B takes language from former Section K(2)(d) and delineates the requirements for storage, transport, and handling of soiled linen and clothing.

61-103.1800. QUALITY IMPROVEMENT PROGRAM

Section 1800.A was added to require facilities to have a written, implemented quality improvement program that provides effective self-assessment and implementation of changes designed to improve the care and services provided. Section 1800.B delineates the specific requirements of the quality improvement program.

61-103.1900. DESIGN AND CONSTRUCTION (formerly 61-103.L)

Section 1900 (formerly L) was amended to adjust codification.

61-103.1901. General (formerly 61-103.L(1))

Section 1901.A (formerly L(1)(a)) was amended for grammar and to require that facilities be planned, designed, and equipped to provide for and promote the health, safety, and well-being of each resident. Section 1901.A further requires that facilities shall meet the requirements of an institutional healthcare facility and shall not be considered dormitory use. Section 1901.B requires a facility to have a fire protection sprinkler system complying with the requirements for a NFPA 13D system.

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61-103.1902. Codes and Standards (formerly 61-103.L(2))

Section 1902.A (formerly L(2)(a)) was amended to require that facility and construction comply with applicable provisions of the regulation and the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal and to require assurance that local officials have approved the facility for code compliance prior to licensure. Section 1902.B was added to require that all facilities shall comply with the construction codes and regulations applicable at the time a facility's license was issued, unless required otherwise by the Department.

61-103.1903. Submission of Plans (formerly 61-103.L(3))

Section 1903.A (formerly L(3)(a)) was amended to delineate specific requirements of plans and specifications. Section 1903.B (formerly L(3)(b)) prescribes the requirements of plans and specifications to be submitted to the Department for new construction or projects. Section 1903.C requires that all projects obtain all required permits from the locality having jurisdiction and construction without proper permitting shall not be inspected by the Department. Section 1903.D (formerly L(3)(e)(3)) requires the facility to maintain documentation and certification for all cosmetic changes utilizing paint, wall covering, floor covering, or otherwise. Section 1903.E requires any construction work which violates codes or standards to be brought into compliance. Section 1903.F was relocated from former Section L(3)(d)(2). Section 1903.G was relocated from former Section L(3)(e)(4).

61-103.2000. FIRE PROTECTION EQUIPMENT AND SYSTEMS (formerly 61-103.O)

Section 2000 (formerly O) was amended to adjust codification.

61-103.2001. Fire Alarms and Sprinklers (formerly 61-103.O(1))

Section 2001.A was relocated from former Section O(1)(a). Section 2001.B (formerly O(1)(b)) was amended to require that the facility include a partial, manual, automatic, and supervised fire alarm system which transmits to a third party, notifies all areas and floors of the building by audible and visual alarm, and shuts down central recirculating systems. Section 2001.B requires that all fire, smoke, heat, sprinkler flow, and manual fire alarming devices be connected to and activate the main fire alarm system when activated.

61-103.2002. Smoke Detection System (formerly 61-103.O(2))

Section 2002 was relocated from former Section O(2)(a) and amended to require that when a smoke detection system is required it shall be installed in accordance with the applicable adopted codes and standards.

61-103.2100. EQUIPMENT AND SYSTEMS

New Section 2100 consolidates various sections of the regulation into one concise section.

61-103.2101. Gases (formerly 61-103.N(4))

Section 2101.A (formerly N(4)) was amended to reference the applicable code for handling and storing gases. Section 2101.B was added to delineate the requirements of "No Smoking" signs in the facility. Section 2101.C was added to require that smoking be allowed only in designated areas in accordance with the facility smoking policy and to prohibit smoking in resident rooms and staff bedrooms or bathrooms.

61-103.2102. Furnishings and Equipment

Section 2102.A requires that the facility maintain the physical plant free of fire hazards or impediments to fire prevention. Section 2102.B prohibits portable electric or unvented fuel heaters. Section 2102.C delineates the requirements of fireplaces and fossil-fuel or wood-burning stoves. Section 2102.D requires that all wastebaskets, window dressings, portable partitions, cubicle curtains, mattresses, and pillows be noncombustible, inherently flame-resistant, or treated or maintained flame-resistant.

61-103.2200. EXITS (formerly 61-103.P)

Section 2200 was relocated from former Section P(1) and renumbered to adjust the codification.

61-103.2300. WATER SUPPLY, HYGIENE, AND TEMPERATURE CONTROL (formerly 61-103.Q(1))

Section 2300 was relocated from former Section Q(1).

61-103.2301. General

Section 2301.A (formerly Q(1)(c)(1)) was amended to require water temperature of at least one hundred (100) degrees Fahrenheit and not to exceed one hundred twenty-five (125) degrees Fahrenheit. Section 2301.B was relocated from former Section Q(1)(c)(2). Section 2301.C (formerly Q(1)(c)(3)) was amended to require hot water supplied to the kitchen equipment and utensil washing sink to be supplied as required by R.61-25. Section 2301.D was added to delineate the requirements of hot water for washing linen and clothing.

61-103.2302. Cross-Connections (formerly 61-103.Q(1)(e))

Section 2302 was relocated from former Section Q(1)(e) and further defines the prohibition on cross-connections.

61-103.2400. ELECTRICAL (formerly 61-103.R)

Section 2400 was relocated from former Section R.

61-103.2401. General (formerly 61-103.R(1)(b))

Section 2401 (formerly R(1)(b)) was amended to require that all electrical installations be maintained in a safe, operable condition in accordance with applicable codes and inspected at least annually by a licensed electrician, registered engineer, or certified electrical inspector.

61-103.2402. Panelboards (formerly 61-103.R(3))

Section 2402 (formerly R(3)) was amended to require the facility to label the panelboard directory to conform to the room numbers and/or designations.

61-103.2403. Ground Fault Interrupting Receptacles (formerly 61-103.R(6))

Section 2403 was relocated from former Section R(6).

61-103.2404. Emergency Generator Service (formerly 61-103.R(7))

Section 2404 was relocated from former Section R(7) and amended to require an emergency generator complying with the applicable adopted codes.

61-103.2500. HEATING, VENTILATION, AND AIR CONDITIONING (HVAC)

Section 2500.A was added to require that the HVAC system be inspected at least once every year by a certified and/or licensed technician. Section 2500.B (formerly S(3)) was amended to require the facility to maintain a temperature of between seventy-two (72) and seventy-eight (78) degrees Fahrenheit in resident areas. Section 2500.C was added to prohibit a facility from installing a supply or return grille within three (3) feet of a smoke detector. Section 2500.D was added to prohibit the installation of HVAC grilles in floors. Section 2500.E (formerly S(4)) was amended to require that return air ducts be filtered and discharged in a manner that would not be an irritant to residents, staff, or visitors. Section 2500.F was added to require that each shower, bath, and restroom be equipped with either operable windows or approved mechanical ventilation. Section 2500.G (formerly N(6)(a)) was amended to require an exhaust fan and Type I hood of proper size installed over cook stoves and ranges vented to the outside. Section 2500.H was relocated from former Section N(6)(b).

61-103.2600. PHYSICAL PLANT (formerly 61-103.T)

Section 2600 (formerly T) title was amended for clarity.

61-103.2601. Facility Accommodations

Section 2601.A was added to require sufficient living arrangements for residents. Section 2601.B delineates the minimum facility square footage requirements. Section 2601.C requires methods for ensuring privacy between residents and staff and visitors.

61-103.2602. Resident Rooms (formerly 61-103.T(2))

Section 2602.A prescribes the required furnishings for resident rooms. Section 2602.B was relocated from former Section T(2)(b) and delineates the required square footage for resident rooms. Section 2602.C was

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relocated from former Section T(2)(d)(1). Section 2602.D requires that when a hospital-type bed is used, the bed shall have at least two (2) lockable casters. Section 2602.E was relocated from former Section T(2)(d)(7). Section 2602.F was relocated from former Section T(2)(d)(3). Section 2602.G was relocated from former Section T(2)(d)(2). Section 2602.H prohibits resident rooms from being located in a basement. Section 2602.I prohibits residents of the same sex from occupying the same resident room. Section 2602.J (formerly T(2)(b)(2)) was amended to require that access to a resident room shall not be by way of another resident room, toilet, bathroom, or kitchen. Section 2602.K requires privacy when personal care is being provided in semi-private rooms. Section 2602.L requires that consideration be given to resident compatibility in room assignments. Section 2602.M requires at least one (1) private room for assistance in addressing resident compatibility issues.

61-103.2603. Work Stations (formerly 61-103.T(3))

Section 2603.A was relocated from former Section T(3)(a). Section 2603.B was relocated from former Section T(3)(b) and amended for clarity. Section 2603.C was relocated from former Section T(3)(c). Section 2603.D was relocated from former Section T(3)(d). Section 2603.E requires that each work station contain separate spaces for the storage of clean linen, wheelchairs, and general supplies and equipment.

61-103.2604. Bathrooms and Restrooms

Section 2604.A (formerly Q(2)(b)(2)(b)) was amended to require separate bathroom facilities for staff members, general public, and/or family. Section 2604.B (formerly Q(2)(b)(1)) was amended to require a minimum of one (1) toilet for each six (6) licensed beds or a fraction thereof. Section 2604.C requires at least one (1) handwash lavatory adjacent to each toilet and prescribes the requirements of soap in lavatories. Section 2604.D (formerly Q(2)(b)(2)(a)) was amended to require one (1) bathtub or shower for each eight (8) licensed beds or a fraction thereof. Section 2604.E was relocated from former Section Q(2)(b)(1)(a). Section 2604.F requires privacy at toilets, urinals, bathtubs, and showers. Section 2604.G requires toilet facilities at or adjacent to the kitchen for kitchen employees. Section 2604.H was relocated from former Section Q(2)(b)(2)(d). Section 2604.I (formerly Q(2)(b)(2)(e)) was amended to require bathroom walls to be nonabsorbent, washable surfaces to the highest level of splash. Section 2604.J was relocated from former Section Q(2)(b)(2)(f). Section 2604.K requires easily cleanable receptacles provided for waste materials, and requires that such receptacles in toilet rooms for women to be covered. Section 2604.L prescribes requirements for bath linens for residents.

61-103.2605. Doors (formerly 61-103.P(3))

Section 2605 (formerly P(3)) was amended to require that doors providing access into the facility and resident room(s) be in accordance with applicable codes.

61-103.2606. Ramps (formerly 61-103.P(4))

Section 2606.A was relocated from former Section P(4)(a). Section 2606.B requires the ramp to serve all portions of the facility where residents are located. Section 2606.C was relocated from former Section P(4)(e). Section 2606.D requires that ramps discharge onto a firm surface that is negotiable by a wheelchair in all weather conditions and to a location accessible for loading into a vehicle.

61-103.2607. Handrails and Guardrails

Section 2607.A requires handrails on at least one (1) side of each corridor or hallway. Section 2607.B requires guardrails on all porches, walkways, and recreational areas in accordance with the applicable adopted codes and standards.

61-103.2608. Janitor's Closet (formerly 61-103.T(6))

Section 2608.A requires a lockable janitor's closet in all facilities equipped with a mop sink or receptor and space for the storage of supplies and equipment. Section 2608.B requires daily cleaning of all janitor's closets and equipment and further requires frequent inspections by a responsible person for compliance.

61-103.2609. Storage Areas (formerly 61-103.T(4))

Section 2609.A requires that the facility provide adequate general storage areas for resident and staff belongings, equipment, and supplies. Section 2609.B prohibits the storage of supplies and equipment directly on the floor

and prohibits the storage of supplies and equipment susceptible to water damage or contamination under sinks or in areas where water leakage is likely.

61-103.2610. Living, Recreation, and Dining Areas (formerly 61-103.T(8))

Section 2610 was relocated from former Section T(8) and renumbered to adjust the codification.

61-103.2611. Facility Grounds (formerly 61-103.T(7))

Section 2611 was relocated from former Section T(7) and renumbered to adjust the codification.

61-103.2612. Location (formerly 61-103.L(4))

Section 2612.A was relocated from former Section L(4)(b). Section 2612.B was relocated from former Section L(4)(c) and amended to clarify parking requirements. Section 2612.C was relocated from former Section L(4)(d).

61-103.2700. SEVERABILITY

Section 2700 was added to allow the regulation to remain valid should it be determined that a portion of the regulation be invalid or unenforceable.

61-103.2800. GENERAL (formerly 61-103.U)

Section 2800 (formerly U) was renumbered to adjust the codification.

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 December 10, 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 its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department twenty-four (24) hours in advance of 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 (5) minutes and, as a courtesy, persons 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 Gwen C. Thompson, South Carolina DHEC, 2600 Bull Street, Columbia, South Carolina 29201 or by email to HealthRegComm@dhec.sc.gov. Comments may also be submitted electronically on the Department's Public Comments page at the following address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/PublicComments/>. To be considered, written comments must be received no later than 5:00 p.m. on October 28, 2015, the close of the public comment period. Written comments received by the deadline, October 28, 2015, shall be considered by the Department in formulating the final proposed regulation for public hearing on December 10, 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 Ms. Thompson at the above address. Also, electronic copies of the proposed regulation will be available on the Department's Regulatory Development Update website at the following address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. Click on the "Health Facilities Licensing" topic and scroll down for R.61-103.

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Preliminary Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any inherent requirements of this regulation. There are no external costs anticipated.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness is based on an analysis of the factors listed in S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R.61-103, *Residential Treatment Facilities for Children and Adolescents*.

Purpose: The purpose of these amendments to R.61-103 is to clarify standards pertaining to Residential Treatment Facilities for Children and Adolescents. These proposed amendments provide updates to definitions, licensure requirements, accident and/or incident reporting requirements, residents' rights, record maintenance and retention, services and treatment, personnel requirements, infection control and sanitation, medication management, design and construction, and fire and life safety. In addition, provisions have been amended for general clarity, readability, grammar, references, codification, and overall improvement to the text of the regulation.

Legal Authority: 1976 Code Section 44-7-260.

Plan for Implementation: Upon approval by the General Assembly and publication in the *State Register* as a final regulation, a copy of R.61-103, which includes these latest amendments, will be available electronically on the Department's Laws and Regulations website under the Health Facilities Licensing category at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/>. Subsequently, this regulation will be published in the South Carolina Code of Regulations. Printed copies will be available for a fee from the Department's Freedom of Information Office. The Department will also send an email to stakeholders, affected services and facilities, and other interested parties.

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

Pursuant to S.C. Code Section 1-23-120(J), the Department is required to perform a formal review of its regulations every five (5) years and update them if necessary. Regulation 61-103 has not been substantively updated since 1991. Therefore, many of the procedures, practices, and terms are outdated and/or no longer applicable. The amendments further clarify and improve licensure requirements, personnel requirements, services and treatment, record maintenance and retention, infection control and sanitation, emergency procedures and disaster preparedness, and medication management. Amendments to design and construction and fire and life safety are needed to comply with current codes and procedures.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these amendments. Amendments to R.61-103 improve residents' rights and assurances, resident care, services and treatment, accident and/or incident reporting requirements, update emergency procedures and disaster preparedness planning, and update design, construction, fire, and life safety measures to comply with current procedures and codes.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The amendments to R.61-103 seek to support the Department’s goals relating to the protection of public health through the anticipated benefits highlighted above. There is no anticipated effect on the environment.

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

There is no anticipated detrimental effect on the environment. If the revision is not implemented, the regulation will be maintained in its current form without realizing the benefits of the amendments herein.

Statement of Rationale:

The Department proposes amending R.61-103, *Residential Treatment Facilities for Children and Adolescents*. The amendments update R.61-103 to align with current practices, procedures, and nomenclature. The amendments address issues regarding licensure requirements, personnel requirements, emergency procedures and disaster preparedness planning, accident and/or incident reporting ambiguities, treatment and services, lessen the burden regarding design and construction requirements, and update the design, construction, fire, and life safety to current code.

Text:

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

Document No. 4595

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

Statutory Authority: 1976 Code Sections 13-7-10, 13-7-40 and 13-7-45 et seq. and Supplement

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

Preamble:

The Department proposes broad amendments to R.61-64, X-Rays (Title B). General areas of revision include ensuring compatibility with Federal regulations, further clarifying and simplifying the regulation, adding new definitions as required, and deleting provisions that are no longer applicable. In addition, the Department proposes language changes to make the regulation more specific and better organized, with the intent of making the regulation more clear. The revisions further amend the regulation to modify the fee schedule.

A Notice of Drafting for the proposed amendments was published in the *State Register* on April 24, 2015.

Section-by-Section Discussion of Proposed Revisions:

Under the Title of R.61-64 and before the Table of Contents, the statutory authority for this regulation is inserted.

The table of contents was changed to reflect the proposed regulations.

Part I – General Provisions

R.61-64 RHB 1.2.4

This subsection was deleted to be consistent with statute.

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R.61-64 RHB 1.2.5 through RHB 1.2.12

These subsections were renumbered in alphanumeric order.

R.61-64 RHB 1.2.13

This subsection was renumbered to RHB 1.2.12 and text was added to incorporate 45 CFR 46 as research protocol.

R.61-64 RHB 1.2.14

This subsection was renumbered to RHB 1.2.13 and was revised to correct the reference.

R.61-64 RHB 1.4.4.2.1

This subsection subitem was revised by adding language clarifying the uses of radiation survey instrumentation and requiring all instruments to be calibrated at intervals not to exceed twelve (12) months. Instrumentation used to test Computed Tomography, Mammography, and Therapeutic equipment are exempt from this requirement.

R.61-64 RHB 1.4.4.2.2

This subsection subitem was revised by deleting the requirement that instrumentation accuracy be within 20 percent and adding equipment accuracy to be within manufacturer's specifications.

R.61-64 RHB 1.4.4.2.4

This subsection subitem was deleted in its entirety. The requirement is addressed in RHB 1.4.4.2.2. RHB 1.4.4.2.5 was renumbered to RHB 1.4.4.2.4.

R.61-64 RHB 1.4.4.3

This subsection subitem was reworded for clarity concerning survey instrument manufacturer's instructions.

R.61-64 RHB 1.4.4.3.3

This subsection subitem was deleted in its entirety. RHB 1.4.4.3.4 was renumbered to RHB 1.4.4.3.3 and language was deleted for clarity.

R.61-64 RHB 1.4.4.4

This subsection subitem was added to clarify the requirements of instrumentation used in reference to Part VI. Text was also revised requiring dosimetry systems as referenced in Part VI to be calibrated within 24 months.

R.61-64 RHB 1.4.4.4.1 through RHB 1.4.4.4.4

Text from these subsection subitems was moved from RHB 6.6.3.3.1 through RHB 6.6.3.3.4 for reference purposes.

R.61-64 RHB 1.6.3

This subsection was revised to clarify the information required for the Department to review a request to operate equipment not currently covered in the regulations. This grants the Department and the South Carolina Technical Advisory Radiation Control Council the ability to research and evaluate potentially hazardous radiation equipment prior to the equipment being sold and used in the State of South Carolina.

R.61-64 RHB 1.7.2

This subsection was revised to clarify the deadlines for corrective action plans for violations.

R.61-64 RHB 1.7.2.1

This subsection subitem was added to delineate requirements for corrective action plans for mammography inspections.

R.61-64 RHB 1.7.2.1.1

This subsection subitem was added to delineate requirements for corrective action plans for mammography inspections.

R.61-64 RHB 1.7.2.1.2

This subsection subitem was added to delineate requirements for corrective action plans for mammography inspections.

R.61-64 RHB 1.7.2.2

This subsection subitem was added to delineate requirements for corrective action plans for other x-ray modality violations.

R.61-64 RHB 1.7.2.2.1

This subsection subitem was moved from RHB 1.7.2 to delineate requirements for corrective action plans for other x-ray modality violations.

R.61-64 RHB 1.7.3

This subsection subitem was renumbered to RHB 1.7.2.2.2.

R.61-64 RHB 1.7.4 through RHB 1.7.5

These subsections were renumbered to RHB 1.7.3 through RHB 1.7.4.

R.61-64 RHB 1.10.2.4

This subsection subitem was revised to allow registrants no longer possessing equipment to discard records specific to the regulation.

R.61-64 RHB 1.11.3

This subsection was revised to delete the requirement to send a patient's social security number to the Department when reporting a misadministration. The numerical values of 10 and 3 were added to denote and clarify years.

R.61-64 RHB 1.13.4.2

The numerical value of \$25,000.00 was added for clarity.

R.61-64 RHB 1.13.4.4

This subsection subitem was revised to change operating procedures to operating conditions.

Part II – Registration of X-Ray Machines and Services

R.61-64 RHB 2.4.1.1.4

This subsection subitem was deleted in its entirety.

R.61-64 RHB 2.4.1.1.5

This subsection subitem was deleted in its entirety. RHB 2.4.1.1.6 was renumbered to RHB 2.4.1.1.4. RHB 2.4.1.1.7 was renumbered to RHB 2.4.1.1.5.

R.61-64 RHB 2.4.2.1.4

This subsection subitem was deleted in its entirety.

R.61-64 RHB 2.4.2.1.5

This subsection subitem was deleted in its entirety. RHB 2.4.2.1.6 was renumbered to RHB 2.4.2.1.4.

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R.61-64 RHB 2.4.2.1.7

This subsection subitem was renumbered to RHB 2.4.2.1.5 and revised for clarity. RHB 2.4.2.1.8 was renumbered to RHB 2.4.2.1.6.

R.61-64 RHB 2.4.3.1.4

This subsection subitem was deleted in its entirety.

R.61-64 RHB 2.4.3.1.5

This subsection subitem was deleted in its entirety. RHB 2.4.3.1.6 was renumbered to RHB 2.4.3.1.4.

R.61-64 RHB 2.4.4

This subsection was added to address the requirements for Out of State Facilities.

R.61-64 RHB 2.4.4.1

This subsection subitem was added to indicate the information which must be submitted to the Department prior to an Out of State Facility entering the state.

R.61-64 RHB 2.4.4.1.1

This subsection subitem was added to require the submission of the Out of State Facility name and address.

R.61-64 RHB 2.4.4.1.2

This subsection subitem was added to require the submission of the name of the Radiation Safety Officer.

R.61-64 RHB 2.4.4.1.3

This subsection subitem was added to require the submission of the type and make of x-ray equipment to be utilized.

R.61-64 RHB 2.4.4.1.4

This subsection subitem was added to require the submission of a radiation area survey as required by RHB 4.4 or 8.12.2.

R.61-64 RHB 2.4.4.2

This subsection subitem was added to require the submission of an operating schedule indicating when and where the equipment will be used.

R.61-64 RHB 2.4.4

This subsection was renumbered to RHB 2.4.5.

R.61-64 RHB 2.5.1

This subsection was revised for clarity in the event that the form number could change.

R.61-64 RHB 2.6.2

This subsection was revised for clarity in the event that the form number could change.

R.61-64 RHB 2.6.4.1

This subsection subitem was revised to include the class number.

R.61-64 RHB 2.6.4.2

This subsection subitem was revised to include the class number.

R.61-64 RHB 2.6.4.2.1

This subsection subitem was added for clarity and to include the breakdown for Class II vendors.

R.61-64 RHB 2.6.4.2.2

This subsection subitem was added for clarity and to include the breakdown for Class II vendors.

R.61-64 RHB 2.6.4.2.3

This subsection subitem was added for clarity and to include the breakdown for Class II vendors.

R.61-64 RHB 2.6.4.3

This subsection subitem was revised for clarity.

R.61-64 RHB 2.6.4.4

This subsection subitem was revised to include the class number.

R.61-64 RHB 2.6.4.5

This subsection subitem was revised to include the class number.

R.61-64 RHB 2.6.4.6

This subsection subitem was revised to include the class number.

R.61-64 RHB 2.6.4.7

This subsection subitem was revised to include the class number.

R.61-64 RHB 2.6.4.8

This subsection subitem was revised to remove the personnel dosimeter service class and to add the general health physics consulting, non-healing arts class.

R.61-64 RHB 2.6.4.9

This subsection subitem was revised to include the class number and to clarify this class is general health physics consulting, healing-arts and to add the services of equipment performance tests and acting as the radiation safety officer.

R.61-64 RHB 2.6.5

This subsection was revised for clarity in the event that the form number could change.

R.61-64 RHB 2.6.6.2

This subsection subitem was revised to include the breakdown for Class II vendors.

R.61-64 RHB 2.6.6.2.1

This subsection subitem was revised to require that the training must be documented.

R.61-64 RHB 2.6.6.2.3

This subsection subitem was revised to streamline the training requirement and to include training on testing of equipment.

R.61-64 RHB 2.6.6.7.2.1

This subsection subitem was revised to add the word “and” for clarity.

R.61-64 RHB 2.6.6.8

This subsection subitem was revised to remove the personnel dosimeter service class and to add the general health physics consulting, non-healing arts class.

R.61-64 RHB 2.6.6.8.1 through RHB 2.6.6.8.4

These subsections were added to include the training requirements for vendor Class VIII.

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R.61-64 RHB 2.6.6.9

This subsection subitem was revised to clarify that this class is for healing arts and to include equipment performance tests and acting as the radiation safety officer.

R.61-64 RHB 2.6.6.9.4

This subsection subitem was added to address the training requirements, as applicable, determined by the equipment type.

R.61-64 RHB 2.6.8

This subsection was deleted to be consistent with statute.

R.61-64 RHB 2.7.1.4

This subsection subitem was revised for clarity in the event that the form number could change.

R.61-64 RHB 2.7.2

This subsection was revised for clarity regarding vendor actions.

R.61-64 RHB 2.7.2.1

This subsection subitem was added to address vendors acting as the radiation safety officer at a registered x-ray facility.

R.61-64 RHB 2.7.3.6.5

This subsection subitem did not merit the necessity to have it in place and therefore it has been deleted in its entirety.

R.61-64 RHB 2.7.3.6.6

This subsection subitem was renumbered to RHB 2.7.3.6.5 and also revised to include additional information on the equipment performance test report.

R.61-64 RHB 2.7.5

This subsection was revised. The requirement changed is addressed in RHB 1.4.4.

R.61-64 RHB 2.7.5.1 through RHB 2.7.5.3

These subsection subitems were deleted in their entirety. These requirements are addressed in RHB 1.4.4.

R.61-64 RHB 2.8.2

This subsection was added to require out of state facilities to meet all applicable parts of this regulation.

R.61-64 RHB 2.9.3

This subsection was deleted in its entirety due to the fact that R.61-72 is no longer effective. R.61-72 will be removed from the code of regulations relatively soon.

R.61-64 RHB 2.9.4 through RHB 2.9.6

These subsections and subitems were renumbered in alphanumeric order.

R.61-64 RHB 2.10.6

This section was revised to modify the fee structure. In order to subsidize hiring of six additional inspectors to increase frequency of inspections, the proposed regulation increases registration fees by \$31.

Part III – Standards for Protection Against Radiation

R.61-64 RHB 3.12.3

The title of this subsection was revised for clarity.

R.61-64 RHB 3.12.3.1

This subsection subitem was revised for clarity.

R.61-64 RHB 3.12.3.1.1

This subsection subitem was revised for clarity to include the assigning of a personal monitoring badge.

R.61-64 RHB 3.12.3.1.2

This subsection subitem was revised. The word “and” was added to ensure that when a lead apron is worn, the personnel monitoring devices(s) would be worn correctly.

R.61-64 RHB 3.12.3.1.3

This subsection subitem was revised. The word “and” was added to ensure that the registrant understands all of the requirements for personnel monitoring device(s).

R.61-64 RHB 3.12.3.1.4

This subsection subitem was added to ensure that personnel monitoring devices are returned on time and the results for the direct read dosimeters are read and recorded based on the manufacturer’s specifications.

R.61-64 RHB 3.12.3.1.5

This subsection subitem was added to ensure that documentation and explanation for any late, absent, or unused personnel monitoring devices is recorded.

R.61-64 RHB 3.12.3.1.6

This subsection subitem was added to ensure that personnel monitoring devices are worn in accordance with manufacturer guidelines.

R.61-64 RHB 3.12.4.1.3

This subsection subitem was revised to bring the requirement in line with the Conference of Radiation Control Program Directors suggested State Regulations.

R.61-64 RHB 3.12.4.1.3.1

This subsection subitem was revised to bring the requirement in line with the Conference of Radiation Control Program Directors suggested State Regulations.

R.61-64 RHB 3.12.4.1.4

This subsection subitem was deleted based on limited scientific evidence that a personnel monitoring badge would be required for individuals who hold patients or film during x-ray examinations more than three times a quarter.

R.61-64 RHB 3.12.4.1.5

This subsection subitem was deleted based on limited scientific evidence that individuals who operate mobile, portable, or peripheral bone densitometers exceed 10% of their maximum permissible dose.

R.61-64 RHB 3.12.4.1.6

This subsection subitem was renumbered to 3.12.4.1 and was revised to address the personnel monitoring requirement for outside representatives not employed by the facility during fluoroscopic procedures.

R.61-64 RHB 3.12.4.1.5

This subsection subitem number was revised to address the current requirement of RHB 3.12.4.1.6.

R.61-64 RHB 3.12.5.2

This subsection subitem was revised to allow the Radiation Safety Officer to make the determination of what employees at the facility could participate in the personnel monitoring Effective Dose Equivalent Program and

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to ensure that personnel on the Effective Dose Equivalent Program are meeting the requirements outlined in subsection 3.12.5.

R.61-64 RHB 3.12.5.2.1

This subsection subitem was revised to ensure that the Radiation Safety Officer or other responsible person(s) reviews the documentation indicating that the x-ray protective equipment is being used.

R.61-64 RHB 3.12.5.2.2

This subsection subitem was revised to address periodic visits and documentation of these visits must be made by the Radiation Safety Officer or designee. The visits are to observe for adherence to proper radiation safety practices.

R.61-64 RHB 3.12.5.2.3

This subsection subitem was revised to clarify the fact that in the event that a violation of Part III of this section occurs, the Department has the authority to revoke the use of the Effective Dose Equivalency.

R.61-64 RHB 3.18.2

This subsection addresses record retention pertaining to the radiation protection program at the facility and was revised for clarity and to correct grammatical errors.

R.61-64 RHB 3.19.2

This subsection addresses record retention pertaining to surveys and calibrations at the facility and was revised for clarity.

R.61-64 RHB 3.20.3.3

This subsection subitem was revised to include the acceptance of the use of electronic means to report the individual's dose record.

R.61-64 RHB 3.20.4

Since R.61-64 address x-ray radiation, this subsection was revised and the words "radioactive material" was delete.

R.61-64 RHB 3.20.6

This subsection addresses record retention pertaining to planned special exposures at the facility and was revised for clarity.

R.61-64 RHB 3.25.2.2

This subsection subitem was revised to delete the Social Security account number for reporting of individuals who may exceed radiation dose limits.

Part IV – Use of X-Ray in the Health Professions

R.61-64 RHB 4.2.2.6

This subsection subitem was revised to clarify requirements for posting SCRQSA certificates.

R.61-64 RHB 4.2.2.7

This subsection subitem was revised to change operating procedures to operating conditions.

R.61-64 RHB 4.2.3

This subsection was revised to require operators to demonstrate familiarity and competence with the facility's operating conditions. Operating procedures were deleted from this part.

R.61-64 RHB 4.2.3.1 through 4.2.3.7

These subsection subitems were deleted for consistency since operating procedures were deleted from the regulations.

R.61-64 RHB 4.2.6

This subsection was revised to require a technique chart for general radiographic systems not equipped with an operational anatomic programming option.

R.61-64 RHB 4.2.9.2

This subsection subitem was revised to allow the facility to use 0.25 mm lead equivalent aprons in lieu of the 0.5 mm lead equivalent aprons.

R.61-64 RHB 4.2.9.3

This subsection subitem was revised to clarify conditions of whole body protective barriers and to allow the facility to use 0.25 mm lead equivalent aprons in lieu of the 0.5 mm lead equivalent aprons.

R.61-64 RHB 4.2.9.4

This subsection was revised to correct the reference.

R.61-64 RHB 4.2.10

This subsection was revised to clarify conditions of shielding patients during x-ray procedures.

R.61-64 RHB 4.2.12.2

This subsection subitem was revised to delete statement pertaining to operating procedures.

R.61-64 RHB 4.2.12.6

To provide optimum radiation safety to a fetus, the word should was replaced with shall.

R.61-64 RHB 4.2.13

This subsection was revised for clarity.

R.61-64 RHB 4.2.13.2

This subsection subitem was revised to reword "should" to "shall."

R.61-64 RHB 4.2.13.3

This subsection subitem was revised to add language that excludes handheld x-ray units from this requirement.

R.61-64 RHB 4.2.15.2

This subsection subitem was revised to add the requirement to document the location of mobile equipment in the log and text was deleted requiring human holders be recorded in the log book.

R.61-64 RHB 4.2.16.1

Text was added to this subsection subitem requiring facilities to keep records of equipment performance testing for five years or until the next Department inspection.

R.61-64 RHB 4.2.16.1.3.1

This subsection subitem was revised to clarify equipment performance testing for dental equipment. Text was added specifying intraoral and extraoral units be tested every two years. Text was also added requiring dental computed tomography and dental handheld units to be tested annually.

R.61-64 RHB 4.2.16.1.3.2

This subsection subitem was revised to change "computerized" to "computed" for consistency.

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R.61-64 RHB 4.2.16.4.2

This subsection subitem was revised to require facilities to perform repeat analysis quarterly, regardless of the number of radiographs produced. Text was also added requiring records to be maintained for two years or until the next Department inspection.

R.61-64 RHB 4.2.16.4.3

This subsection subitem was deleted. RHB 4.2.16.4.5 was renumbered to RHB 4.2.16.4.3.

R.61-64 RHB 4.2.16.4.4

This subsection subitem was deleted. RHB 4.2.16.4.6 was renumbered to RHB 4.2.16.4.4.

R.61-64 RHB 4.3.12.1

This subsection subitem was revised to add text requiring facilities retain documentation of adherence to protocols established by the manufacturers of digital imaging acquisition systems.

R.61-64 RHB 4.3.13

This subsection is unnecessary and redundant. There is existing authority granting the Department the ability to make rules and regulations.

R.61-64 RHB 4.4.1

This subsection was revised to clarify when shielding plans are required. Verbiage from the current RHB 4.4.1 was moved to RHB 4.4.1.1.

R.61-64 RHB 4.4.1.1

This subsection subitem was added to include the requirement for shielding plans.

R.61-64 RHB 4.4.1.2

This subsection subitem was added to address space utilized as a radiation area for greater than five (5) consecutive days.

R.61-64 RHB 4.4.2

This subsection was revised to clarify equipment replacement.

R.61-64 RHB 4.4.2.1

This subsection subitem was added to clarify requirements for the replacement of an existing x-ray machine, control or generator and notification to the Department.

R.61-64 RHB 4.4.2.2

This subsection subitem was added to clarify requirements for the replacement with equipment with increased capabilities which would render the original plan inadequate.

R.61-64 RHB 4.4.2.3

This subsection subitem was added to address shielding plans when parameters change.

R.61-64 RHB 4.4.4.2

This subsection subitem was revised to include the updated National Council of Radiation protection and Measurements, Report Number 151 for therapy facilities.

R.61-64 RHB 4.4.6.1

This subsection subitem was revised to include the requirement that the vendor performing the survey must certify that the shielding is adequate.

R.61-64 RHB 4.4.8.1.2

This subsection subitem was revised to reference RHB 4.4.6 which addresses the requirements for the radiation area survey.

R.61-64 RHB 4.5

This section was revised to add the word “Intraoral” for clarity.

R.61-64 RHB 4.5.11.4

This subsection subitem was added to clarify shielding plans are not required for intraoral dental radiographic installations.

R.61-64 RHB 4.6.3.1

This subsection subitem was revised to clarify the requirements for Dental CT Installations.

R.61-64 RHB 4.6.4

This subsection is unnecessary and redundant. There is existing authority granting the Department the ability to make rules and regulations. This subsection will now address the requirements for hand-held intraoral equipment.

R.61-64 RHB 4.6.4.1

This subsection subitem was added to ensure that the backscatter shield designed to protect the operator during an x-ray exposure is non-removable, is 0.25mm lead equivalent, and at a minimum be six inches in diameter.

R.61-64 RHB 4.6.4.2

This subsection subitem was added to ensure that the facility maintains documentation that the operator of a hand-held intraoral device has completed the necessary manufacturer training and that this training has been approved by the Department.

R.61-64 RHB 4.6.4.3

This subsection subitem was added to ensure that the facility adopts and follows the protocols provided by the manufacturer and approved by the Department.

R.61-64 RHB 4.6.4.4

This subsection subitem was added to ensure that the operator of a hand-held intraoral device is protected from radiation by requiring the use of a lead apron and thyroid collar.

R.61-64 RHB 4.6.4.5

This subsection subitem was added to allow the operator to use a stand in lieu of holding the hand-held intraoral device.

R.61-64 RHB 4.6.4.6

This subsection subitem was added to ensure that the registrant secures the hand-held intraoral device from unauthorized removal or use.

R.61-64 RHB 4.7.4.2.3

This subsection subitem was revised to correct numbering. It was previously numbered incorrectly as 4.7.7.2.3.

R.61-64 RHB 4.8.1

This subsection was revised to correct numbering and exempt mobile radiographic equipment from having a permanently mounted exposure switch.

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R.61-64 RBH 4.8.8

This subsection was revised to clarify equipment shall be considered stationary if it is used in a single location for greater than five consecutive days.

R.61-64 RHB 4.9.1.4

This subsection subitem was revised to delete the requirement to include precautionary measures in the facility's written operating procedures.

R.61-64 RHB 4.9.10

This subsection was revised to clarify equipment shall be considered stationary if it is used in a single location for greater than five consecutive days.

R.61-64 RHB 4.9.13.7

This subsection was revised to allow the facility to use 0.25 mm lead equivalent aprons in lieu of the 0.5 mm lead equivalent aprons.

R.61-64 RHB 4.10.4.3

This subsection subitem was revised to delete the requirement for operating procedures. RHB 4.10.1.4 was renumbered to 4.10.4.3.

R.61-64 RHB 4.11.2.3.1

This subsection subitem was deleted in its entirety as it is no longer applicable since these regulations are being revised.

R.61-64 RHB 4.11.2.4

This subsection subitem was deleted to align with national recommendations that either do not include or discourage the use of CT door interlocks.

R.61-64 RHB 4.11.2.5

This subsection subitem was renumbered to 4.11.2.4.

R.61-64 RHB 4.11.2.5.1

This subsection subitem was renumbered to 4.11.2.4.1.

R.61-64 RHB 4.11.2.5.2

This subsection subitem was renumbered to 4.11.2.4.2.

R.61-64 RHB 4.12.1

This subsection was revised to include requirements for individual's using equipment emitting ionizing radiation for diagnostic purposes.

R.61-64 RHB 4.12.22.1

This subsection subitem was revised to require persons holding patients receive training.

R.61-64 RHB 4.12.22.1.1

This subsection subitem was revised to include additional items to be covered in radiation protection training.

R.61-64 RHB 4.12.22.1.2

This subsection subitem was revised to include training for Digital Imaging Acquisition systems.

R.61-64 RHB 4.13.3

This subsection was revised to delete redundant verbiage.

R.61-64 Part IV - Appendix B, item 1.c)

This subitem was revised to streamline shielding plan submission requirements.

R.61-64 Part IV - Appendix B, item 1.f)

This subitem was deleted to streamline shielding plan submission requirements. Part IV - Appendix B subitem 1.g) was renumbered to 1.f).

R.61-64 Part IV - Appendix B, Item 3

This item was deleted to streamline shielding plan submission requirements.

R.61-64 Part IV - Appendix B, Item 4

This item was deleted to streamline shielding plan submission requirements. Part IV - Appendix B item 5 was renumbered to item 3.

R.61-64 Part IV – Appendix D

This section was revised to remove the National Average ESE (mR) from the Medical and Dental charts. The thickness chart was deleted and that text was added to the Medical chart for clarity. Text was added requiring dental facilities utilizing digital equipment to use techniques as not to exceed the ESE limits for “D” speed systems.

R.61-64 Part IV - Appendix F - Minimum Criteria for Performance Tests

The requirement was added for all applicable requirements of RHB 2.7.3.6.6.

R.61-64 Part IV - Appendix F - Medical Radiographic (Including veterinary facilities)

Items were numbered for clarity.

R.61-64 Part IV - Appendix F - Medical Radiographic (Including veterinary facilities)

Item 19 was added to include x-ray control placement.

R.61-64 Part IV - Appendix F - Fluoroscopic

Items were numbered for clarity.

R.61-64 Part IV - Appendix F - Fluoroscopic

Item 20 was added to include x-ray control placement.

R.61-64 Part IV - Appendix F - Fluoroscopic

Items to be checked upon initial installation were added for consistency.

R.61-64 Part IV - Appendix F - Radiation Therapy Simulation Systems

Items were numbered for clarity.

R.61-64 Part IV - Appendix F - Radiation Therapy Simulation Systems

Item 20 was added to include x-ray control placement.

R.61-64 Part IV - Appendix F - Computed Tomography (CT)

This item was revised to include dental CT as applicable.

R.61-64 Part IV - Appendix F - Computed Tomography (CT)

Items were numbered for clarity.

R.61-64 Part IV - Appendix F - Computed Tomography (CT)

Item 9 was added to include x-ray control placement.

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R.61-64 Part IV - Appendix F - Dental
Items were numbered for clarity.

R.61-64 Part IV - Appendix F - Dental
Item 11 was added to include x-ray control placement.

Part V – Quality Standards and Certification Requirements for Facilities Performing Mammography

R.61-64 RHB 5.1.2.2.2
This subsection subitem was revised to include the correct numbering.

R.61-64 RHB 5.1.2.2.4
This subsection subitem was added to include requirements for out of state mobile mammography facilities as addressed in RHB 2.4.

R.61-64 RHB 5.5.4
This subsection subitem was revised to correct the title of the Director of Health Regulation.

R.61-64 RHB 5.6.1
This section was revised to modify the fee structure.

R.61-64 RHB 5.7.2.1.2
This subsection was revised to correct the reference.

R.61-64 RHB 5.7.3.1
This subsection subitem was revised to correct the reference. This subsection subitem was also revised to correspond with the current FDA standards.

R.61-64 RHB 5.11.1.4
This subsection subitem was deleted as it is no longer applicable.

R.61-64 RHB 5.11.6
This subsection subitem was revised to correct the references.

R.61-64 RHB 5.12.1
This subsection subitem was revised to include quality control tests for other modalities.

R.61-64 RHB 5.24.3.1
This subsection subitem was revised to correct the title of the Director of Health Regulation.

R.61-64 RHB 5.25.3
This subsection was revised to correct numbering. It was previously numbered incorrectly as 5.25.5.

R.61-64 RHB 5.25.3.1 through RHB 5.25.3.7
These subsection subitems were revised to correct numbering.

R.61-64 RHB 5.27
This section was revised to change operating procedures to operating conditions and correct numbering.

R.61-64 Part V, Appendix B
This section was revised to correct the reference.

Part VI – Use of Therapeutic Equipment

R.61-64 RHB 6.2

This section was revised in entirety. Text specifying shielding requirements was deleted. For consistency with the other parts of the regulation, text was added requiring facilities utilizing therapy equipment to meet all requirements of RHB 4.4.

R.61-64 RHB 6.3.2.1.1.4

This subsection subitem was revised to correct the reference.

R.61-64 RHB 6.3.3.1

To correctly identify the organization of the South Carolina Radiation Quality Standards Association, the word Radiation was added. This subsection subitem was also revised to delete licensed practitioners, as they are addressed later in this part.

R.61-64 RHB 6.3.3.3

To correctly identify the organization of the South Carolina Radiation Quality Standards Association, the word Radiation was added to this subsection subitem.

R.61-64 RHB 6.3.3.4

To correctly identify the organization of the South Carolina Radiation Quality Standards Association, the word Radiation was added to this subsection subitem.

R.61-64 RHB 6.3.3.5

To correctly identify the organization of the South Carolina Radiation Quality Standards Association, the word Radiation was added to this subsection subitem.

R.61-64 RHB 6.3.3.6

To correctly identify the organization of the South Carolina Radiation Quality Standards Association, the word Radiation was added to this subsection subitem.

R.61-64 RHB 6.3.3.7

To correctly identify the organization of the South Carolina Radiation Quality Standards Association, the word Radiation was added to this subsection subitem.

R.61-64 RHB 6.3.4

This entire subsection was revised to add training requirements for therapeutic radiation machine authorized users to bring the requirement in line with the Conference of Radiation Control Program Directors suggested State Regulations. Text from RHB 6.3.4 was renumbered to RHB 6.3.5.

R.61-64 RHB 6.3.5

This subsection was renumbered to RHB 6.3.6.

R.61-64 RHB 6.3.6

This subsection was renumbered to RHB 6.3.7.

R.61-64 RHB 6.3.7

This subsection was renumbered to RHB 6.3.8.

R.61-64 RHB 6.4.4.1.4

This subsection subitem was revised for reference purposes. Text was deleted pertaining to instruments and text was added to reference Part I.

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R.61-64 RHB 6.4.4.2.3

This subsection subitem was revised to reference Part I concerning calibration of dosimetry systems.

R.61-64 RHB 6.6.3.3

This subsection subitem was revised to reference Part I. Text was also changed requiring dosimetry systems as referenced in this Part to be calibrated annually.

R.61-64 RHB 6.6.3.3.1 through 6.6.3.3.4

These subsection subitems were deleted in this Part. They were moved to Part I and reworded for consistency.

Part VII – Radiation Safety Requirements for Analytical Equipment

R.61-64 RHB 7.2

This subsection addressing electron microscopes was revised to clarify the requirements for these devices.

R.61-64 RHB 7.3

This subsection addressing Hand-Held Analytical X-ray Equipment was revised to clarify the requirements for these devices.

R.61-64 RHB 7.3.1

This subsection subitem was revised to address the required registration of the device. Training requirements in this subsection subitem was moved and is addressed in the proposed subsection of RHB 7.3.2.

R.61-64 RHB 7.3.2

This subsection was revised to address the training requirements. The interlock requirement for these types of devices was moved to the proposed subsection RHB 7.3.3.

R.61-64 RHB 7.3.3

This subsection was revised to address the interlock requirements for these types of devices. The operator use of these devices, in accordance to the manufacturer's specifications was moved to the proposed new subsection of RHB 7.3.4

R.61-64 RHB 7.3.4

This new subsection number was added to address the operator usage of this type of device based on manufacturer's specifications.

R.61-64 RHB 7.3.5

This new subsection was added to address operating procedures for facilities that utilize this type of device.

R.61-64 RHB 7.7.3

This subsection was revised to allow, under Departmental approval, the use of area radiation monitors in lieu of an annual radiation area survey.

R.61-64 RHB 7.9

This subsection was re-titled for clarity and to also include the Radiation Safety Officer.

R.61-64 RHB 7.9.1

This subsection subitem addressing operator training was moved to subsection RHB 7.9.2. The revised subsection subitem of 7.9.1 addresses the minimum personnel radiation safety requirements for radiation safety officers and operators.

R.61-64 RHB 7.9.1.1

This subsection subitem was reworded to direct the Radiation Safety Officer of the subjects in which they must be trained.

R.61-64 RHB 7.9.1.2

This subsection subitem was reworded to direct the Radiation Safety Officer (RSO) of analytical x-ray devices to the applicable sections in the regulations pertaining to radiation safety. It also requires the RSO to receive instruction and understanding in the facilities operating and emergency procedures.

R.61-64 RHB 7.9.1.3

This subsection subitem was reworded to ensure that the Radiation Safety Officer (RSO) of analytical x-ray devices have demonstrated competence in the use of the machine as well as any related tools and survey instruments.

R.61-64 RHB 7.9.1.4

This subsection subitem was moved to the additional subsection subitem of RHB 7.9.2.4.

R.61-64-RHB 7.9.1.5

This subsection subitem was moved to the additional subsection subitem of RHB 7.9.2.5.

R.61-64 RHB 7.9.2

This subsection was revised and the wording from RHB 7.9.1 was placed here.

R.61-64 RHB 7.9.2.1

This new subsection subitem was added so that the wording from RHB 7.9.1.1 could be placed here.

R.61-64 RHB 7.9.2.2

This new subsection subitem was added so that the wording from RHB 7.9.1.2 could be placed here.

R.61-64 RHB 7.9.2.3

This new subsection subitem was added so that the wording from RHB 7.9.1.3 could be placed here.

R.61-64 RHB 7.9.2.4

This new subsection subitem was added so that the wording from RHB 7.9.1.4 could be placed here.

R.61-64 RHB 7.9.2.5

This new subsection subitem was added so that the wording from RHB 7.9.1.5 could be placed here.

R.61-64 RHB 7.9.3

This subitem was revised to address the requirement of documentation for instruction and competency for analytical x-ray devices.

R.61-64 RHB 7.9.3.1

This subsection subitem was moved to RHB 7.10.1.1.

R.61-64 RHB 7.9.3.2

This subsection subitem was moved to RHB 7.10.1.2.

R.61-64 RHB 7.9.3.3

This subsection subitem was moved to RHB 7.10.1.3.

R.61-64 RHB 7.9.4

This subsection was deleted.

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R.61-64 RHB 7.10

Text from this section was renumbered to RHB 7.11. A new section was added as a title for operating procedures for consistency with other sections in this part.

R.61-64 RHB 7.10.1

Text from this section was renumbered to RHB 7.11.1. Text was moved from RHB 7.9.3.

R.61-64 RHB 7.10.1.1

This new subsection subitem was added and text was moved from RHB 7.9.3.1.

R.61-64 RHB 7.10.1.2

This new subsection subitem was added and text was moved from RHB 7.9.3.2.

R.61-64 RHB 7.10.1.3

This new subsection subitem was added and text was moved from RHB 7.9.3.3.

R.61-64 RHB 7.10.1.4

This new subsection subitem was added and text was added addressing operating procedures pertaining to the methods and occasions for conducting radiation surveys.

R.61-64 RHB 7.10.1.5

This new subsection subitem was added addressing operating procedures pertaining to the methods for controlling access to radiographic areas.

R.61-64 RHB 7.10.1.6

This new subsection subitem was added addressing operating procedures pertaining to the methods for locking and securing x-ray machines, when they are not in use or in storage.

R.61-64 RHB 7.10.1.7

This new subsection subitem was added addressing operating procedures pertaining to the maintenance of records.

R.61-64 RHB 7.10.2

Text from this section was renumbered to RHB 7.11.2. A new subsection was added requiring the facility provide copies of the operator training manual and operating procedures to the Department upon request.

R.61-64 RHB 7.10.2.1 to RHB 7.10.2.2

These subsection subitems were renumbered to RHB 7.11.2.1 and 7.11.2.2.

Part VIII – Radiation Safety Requirements for Industrial Uses of Radiographic Sources

R61-64 RHB 8.6.1

This subsection was revised to delete the word “posting” for clarity.

R61-64 RHB 8.6.2

This subsection was revised to clarify the posting requirements.

Part IX – Definitions

This Section has been renumbered in alphanumeric order.

R61-64 RHB 9.61

This section formatting was revised for clarity.

R61-64 RHB 9.124

This section was revised to correct the references.

R.61-64 RHB 9.191

This section was revised to correct the references.

R.61-64 RHB 9.165

This section was added to include the definition of an out of state facility.

R.61-64 RHB 9.272

This section was added to include the definition of an x-ray control.

Part X - Notices, Instructions, and Reports to Workers: Inspections

R.61-64 RHB 10.7.2

This subsection was revised to correct the title of the Director of Health Regulation.

R.61-64 RHB 10.8.1

This subsection was revised to correct the title of the Director of Health Regulation.

Part XI – Regional Calibration Laboratory

R.61-64 RHB 11.3.1

This subsection was revised by changing “Fee” to “Fees.” The portion in the chart identifying Dosimeter was revised for clarity.

Notices 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 December 10, 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 its agenda in the order presented. The order of presentation for public hearings will be noted in the Board’s agenda published by the Department 24 hours in advance of 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 Charles G. Ditmer, Division Director, Division of Electronic Products, Bureau of Radiological Health, S.C. DHEC, 2600 Bull St., Columbia, South Carolina 29201, or by email to ditmercg@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on October 26, 2015, the close of the public comment period. Written comments received by the October 26, 2015, deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on December 10, 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.

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Preliminary Fiscal Impact Statement:

There will be no cost to the state and its political subdivisions with the implementation of these proposed amendments. This program is partially funded by the collection of fees from the regulated community as mandated by the Atomic Energy and Radiation Control Act. The Act requires the cost of running the program to be recovered through the collection of fees. In order to subsidize hiring of six additional inspectors to increase frequency of inspections, the proposed regulation increases registration fees by \$31. See Determination of Costs and Benefits in the Statement of Need and Reasonableness herein.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R.61-64, *X-Rays, (Title B)*.

Purpose: The purpose of this amendment is to update R.61-64 based on Departmental recommendations, national standards, and practices to better promote safety to facilities that utilize x-ray producing equipment. The proposed language changes will result in clarifying the regulation by making them more specific, better organized, and the intent of the regulation more clear. The proposed regulation increases registration fees to allow for the hiring of six additional inspectors.

Legal Authority: R.61-64, X-Rays (Title B) is authorized by 1976 Code Section 13-7-45 et seq.

Plan for Implementation: Upon approval from the S.C. General Assembly and publication as a final regulation in the South Carolina *State Register*, a copy of R.61-64 including the amendments herein will be available electronically on the Department's website under the Health Regulations Category at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/> and subsequently in the Code of Regulations of the S.C. Code of Laws. Printed copies will be available for a fee from the Department's Freedom of Information Office. Staff will educate the regulated community on the provisions of the Act and requirements of the regulation.

Interested persons may access an electronic copy of the proposed regulation on the Department's web site at the following link:

<http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/> . Click on the "Radiological Health" topic for the proposed amendment of R.61-64. For additional information, please contact Charles G. Ditmer, Division Director, Division of Electronic Products, Bureau of Radiological Health, S.C. DHEC, 2600 Bull St., Columbia, South Carolina 29201, or by email to ditmercg@dhec.sc.gov.

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

The Department promulgated R.61-64 in 1969. The Department last amended this regulation substantively on June 26, 2009.

The revisions proposed herein seek to reduce the regulatory burden on registrants and clarify provisions of the regulation in accordance with statutory authority. The amendments are needed to clarify the requirements of facilities that utilize x-ray producing devices. The proposed regulation increases registration fees to allow for the hiring of six additional inspectors to increase frequency of inspections. The corrective action plan requirements for mammography inspections have been added for clarity. Requirements for out-of-state facilities have been added for clarity and consistency. Class designations for equipment services have been added. Amendments have been made to training requirements for vendors. References to operating procedures have been replaced with facility operating conditions. Requirements of handheld devices have been added to remain

current with industry practices. Performance testing requirements have been revised to current standards. The proposed amendments will further add requirements to promote the health and safety of the public, delete requirements that are no longer applicable, and make stylistic and grammatical changes.

The changes are reasonable. There is no anticipated increase in regulatory burden due to the proposed amendments. Furthermore, existing Department staff will implement the amendments.

DETERMINATION OF COSTS AND BENEFITS:

The program implementing R.61-64 is partially funded by a collection of fees from the regulated community as mandated by the *Atomic Energy and Radiation Control Act*. This Act requires the fees collected from the regulated community to be sufficient to not only protect the public health, safety, and environment, but to also recover costs incurred by the Department through regulation. In order to subsidize hiring of six additional inspectors to increase frequency of inspections, the proposed regulation increases registration fees by \$31.

See Preliminary Fiscal Impact Statement for cost to the State and its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no known uncertainties of estimates.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There are no anticipated effects on the environment. The amendments seek to have a positive effect upon the public health of the citizens of the state. The proposed revision of R.61-64 will clarify the entire regulation and allow for more inspections due to increased Department personnel.

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

There are no anticipated detrimental effects on the environment if these changes are not implemented. The Department does not anticipate a detrimental effect to public health of the citizens. Conversely, there is an anticipated positive effect from the added proposed requirements and clarifications.

Statement of Rationale:

The revisions herein are intended to update the R.61-64 based on Departmental recommendations, national standards, and practices to better promote safety to facilities that utilize x-ray producing equipment. The proposed language changes will add clarity with respect to specificity, organization, and intent. The proposed regulation increases registration fees to allow for the hiring of six additional inspectors.

Text:

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

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Document No. 4592

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

Statutory Authority: 1976 Code Sections 40-1-70, 40-20-50 and 40-20-80

40-8. Continuing Competency; Continuing Education Credits

Preamble:

Regulation 40-8 is amended to comport with national standards per the Commission on Dietetic Registration.

Section-by-Section Discussion:

40-8. Continuing Competency; Continuing Education Credits.

(A) No changes.

(B) Changes the 30 hour continuing professional education per renewal to the requirements of the Commission on Dietetic Registration.

(C) Deletes in its entirety.

(D) Renumbers as (C).

The Notice of Drafting was published in the *State Register* on May 22, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 10, 2015. Written comments may be directed to Angie Combs, Administrator, South Carolina Panel for Dietetics, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., October 26, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended to update continuing competency requirements. The proposed regulation comports with the Commission on Dietetics Registration's continuing education requirements.

DESCRIPTION OF REGULATION:

Purpose: The Panel is updating the regulation to comport with national standards regarding continuing education.

Legal Authority: 1976 Code Sections 40-20-50 and 40-20-80.

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

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

The proposed regulation will comport with the Commission on Dietetics Registration's continuing education requirements.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of this regulation.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. This regulation contributes to the Panel's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.

Statement of Rationale:

This regulation is updated in conformance with national standards for continuing education.

Text:

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

Document No. 4588
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF MEDICAL EXAMINERS
CHAPTER 81
Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10 and 40-47-110

Preamble:

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

Section-by-Section Discussion

Article 1, 81-1. New regulation.

A Notice of Drafting was published in the *State Register* on May 22, 2015.

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Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on November 19, 2015. Written comments may be directed to Sheridan Spoon, Administrator, Board of Medical Examiners, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 26, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to safeguard patient medical records when a physician licensee is incapacitated, disappears, or dies.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to safeguard patient medical records when a physician licensee is incapacitated, disappears, or dies.

Legal Authority: 1976 Code Sections 40-1-70, 40-47-10 and 40-47-110.

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

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

The proposed regulations will safeguard patient medical records when a physician licensee is incapacitated, disappears, or dies.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will safeguard patient medical records when a physician licensee is incapacitated, disappears, or dies.

Text:

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

Document No. 4589
DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE APPRAISERS BOARD
CHAPTER 137
Statutory Authority: 1976 Code Sections 40-1-70 and 40-60-10(I)(3)

- 137-100.06. Nonresidential Appraisal Categories.
- 137-100.07. Other Appraisal Experience.
- 137-200.04. Mass Appraisal Experience Verification.
- 137-300.01. Responsibilities of an Apprentice Appraiser.
- 137-300.02. Responsibilities of a Supervising Appraiser.
- 137-500.01. Continuing Education.
- 137-800.01. Payment of Fees.
- 137-800.03. Biennial Fee Schedule.
- 137-800.05. Expired Permit, License or Certificate.
- 137-900.05. Curriculum and Attendance.

Preamble:

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

Section-by-Section Discussion

- 137-100.06 Correct spelling in title.
- 137-100.07(A) No changes.
- 137-100.07(B) Remove reference to review appraisals.
- 137-100.07(C)-(D) No changes.
- 137-200.04 Correct reference to Regulation 137-300.01.
- 137-300.01(A)(1)-(3)(b) No changes.
- 137-300.01(A)(3)(c) Add supervision information.
- 137-300.01(A)(3)(d) No changes.
- 137-300.01(A)(3)(e) Add actual hours for apprentice.
- 137-300.01(A)(3)(f) Delete.
- 137-300.01(A)(3)(g) Renumber.
- 137-300.02(A)-(B)(3) No Changes.
- 137-300.02(B)(4) Delete.
- 137-300.02(B)(5) Renumber and correct reference to Regulation 137-300.01.
- 137-300.02(B)(6)-(7) Renumber.
- 137-500.01(A) Change classroom to class.
- 137-500.01(B)-(G) No changes.

84 PROPOSED REGULATIONS

- 137-800.01 Change to check or money order.
- 137-800.03(1)-(7) No changes.
- 137-800.03(8) Change July to August.
- 137-800.03(9)-26 No changes.
- 137-800.03(27) Change fee from 50.00 to 150.00
- 137-800.03(28) No change.
- 137-800.05(A) No change.
- 137-800.05(B) Change classroom to class.
- 137-900.05(A)-(E) No changes.
- 137-900.05(F) Remove classroom.
- 137-900.05(G)-(M) No changes.

A Notice of Drafting was published in the *State Register* on August 28, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on December 10, 2015. Written comments may be directed to Laura Smith, Administrator, Real Estate Appraisers Board, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., October 26, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in part to comply with recommendations of the Appraisal Subcommittee of the Federal Financial Institutions Examinations Council and to make corrections and editorial changes.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations in part to comply with recommendations of the Appraisal Subcommittee of the Federal Financial Institutions Examinations Council and to make corrections and editorial changes.

Legal Authority: 1976 Code Sections 40-1-70 and 40-60-10(I)(3).

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

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

The proposed regulations will bring the regulations in compliance with the recommendations of the Appraisal Subcommittee of the Federal Financial Institutions Examinations Council and will make corrections and editorial changes.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will comply with recommendations of the Appraisal Subcommittee of the Federal Financial Institutions Examinations Council and make corrections and editorial changes.

Text:

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

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Filed: August 27, 2015 10:16am

Document No. 4584
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, and 50-11-2200

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season begins September 5, it is necessary to file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2015-16

Dove Management Area Regulations: The following fields are open only during the dates and times indicated below. A Wildlife Management Area permit and a Migratory Bird Permit are required for dove hunting on all fields. Fields denoted by an asterisk (*) require hunters to sign in and sign out on all hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts.

Statewide Season Dates:

September 5 - October 17 (Sept. 5-7 Afternoons only): November 14 - November 28: December 15 - January 15

Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 5 – October 17)

ABBEVILLE

U.S. Forest Service – Power of Partnerships Field - 1st season – Saturdays Only beginning Sept. 19. Sept. 5 is Youth Hunt Only. Sept. 12 is Wheelin Sportsmen Hunt and morning hunting will be allowed for this event. 2nd and 3rd season – Open Mon. – Sat.

AIKEN

US Dept of Energy - Crackerneck WMA. 1st season – Sept. 9 & 23.

ANDERSON

Clemson University - Fant's Grove WMA. 1st season, Saturdays. Field Closed Oct. 3. Open 2nd & 3rd seasons – Saturdays Only

BERKELEY

*U.S. Army Corps of Engineers - Canal WMA. Sept. 5. Sept. 12 is Wounded Warrior Hunt Only; Sept. 26; Oct. 17; Nov. 21

*DNR - Bonneau Ferry WMA. September 5, 12 & 26. All hunts are Youth Only.

CHARLESTON

DNR Botany Bay Plantation WMA. Sept. 5, 12, Nov. 28, Dec. 19, Jan. 9. All hunts are Youth Only.

CHEROKEE

Gaffney Board of Public Works. Open Saturdays only during the statewide dove season beginning Sept. 5. Dove Hunting Only.

CHESTER

U.S. Forest Service - Worthy Bottoms. 1st season - Saturdays Only beginning Sept. 5. 2nd & 3rd seasons - Open Mon. – Sat.

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest - Wilkes Chapel Field. 1st season –Saturdays Only beginning Sept. 5, 2nd & 3rd seasons - Open Mon. – Sat.

SC Forestry Commission – Sand Hills State Forest - Davis Field. 1st season – Sept. 5 and Wednesdays Only, beginning Sept. 16. 2nd & 3rd seasons – Open Mon. – Sat.

CLARENDON

*Santee Cooper - Santee Dam WMA. Sept. 5, 19; Oct. 3; Nov. 28; Jan. 2.

*SC Forestry Commission - Oak Lea WMA. Sept. 5, 19; Jan. 2 & 9.

COLLETON

DNR - Donnelley WMA. Sept. 5, 12; Oct. 3; Nov. 28. During 3rd season Open Wednesdays and Saturdays.

DARLINGTON

DeWitt Property. Open Saturdays only during the statewide dove season beginning Sept. 5. Dove Hunting Only.

FLORENCE

Santee Cooper – Pee Dee Station Site WMA. Open Saturdays only during the statewide dove season beginning Sept. 5. Dove Hunting Only.

GEORGETOWN

DNR Samworth WMA. Sept. 5, 19; Oct. 3; Nov. 14; Dec. 12.

HAMPTON

*DNR - Webb Wildlife Center. Sept. 5 & 19; Oct. 3; Nov. 18.

*DNR - Hamilton Ridge WMA. Sept. 5 & 19; Oct. 3; Nov. 18.

LAURENS

DNR Gray Court Field. 1st season Saturdays Only beginning Sept 5, 2nd & 3rd seasons open Mon. - Sat.

DNR Cliff Pitts WMA. 1st season Saturdays Only beginning Sept 5, 2nd & 3rd seasons open Mon. - Sat.

LEXINGTON

Hallman Field. Open Saturdays only during the statewide dove season beginning Sept. 5. Dove Hunting Only.

MARLBORO

DNR - Lake Wallace WMA. Open Saturdays only during the statewide dove season beginning Sept. 5. Dove Hunting Only.

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MCCORMICK

*U.S. Army Corps of Engineers - Bordeaux Field. Sept. 5 & 30; Oct. 14; Nov. 25, Dec. 16, 30; Jan. 6 & 15 only, Dove Hunting Only. Hunters must sign-in & out at 1009 McIntosh Rd.

U.S. Army Corps of Engineers – Parksville Field. 1st season – Saturdays Only beginning Sept 5, 2nd & 3rd seasons – Open Mon. - Sat.

US Army Corp of Engineers - Plum Branch Field. 1st season – Saturdays Only beginning Sept 5, 2nd & 3rd seasons – Open Mon. - Sat.

NEWBERRY

SCDOT McCullough Field. Open Saturdays only during the statewide dove season beginning Sept. 5. Dove Hunting Only.

DNR Belfast WMA. Sept. 5 is Youth Hunt Only. Sept. 12; Oct. 3, 10; Nov. 26, 27, 28; 3rd season - Open Mon. - Sat.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center. 1st and 2nd seasons - Saturdays Only beginning Sept 5, 3rd season – Closed. Dove hunting only.

U.S. Forest Service – Long Creek Tract. Disability hunters must contact the U.S. Forest Service Andrew Pickens office 864-638-9568 for permit requirements and access. Sept. 5 is Youth Hunt Only. In order to hunt, adults must have 1 or 2 youth age 17 or younger. 1st season – Saturdays Only Beginning Sept 5, 2nd season – Open November 21 Only. 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field. Saturdays Only during statewide dove season beginning Sept. 5.

ORANGEBURG

*Santee Cooper - Santee Cooper WMA. Entire WMA under Dove Area Regulations. Sept. 5 is Youth Hunt Only. Sept. 12; Oct. 3; Nov. 21; Jan. 2.

PICKENS

DNR Property located off Secondary Road 304. Open Saturdays only during the statewide dove season beginning Sept. 5. Dove Hunting Only.

Clemson University - Gravely WMA - Causey Tract. Saturdays Only during statewide dove season beginning Sept. 5.

DNR Property – Jocassee Gorges – Cane Creek Field. Open Wednesdays only during the statewide dove season beginning Sept. 16.

SALUDA

SCE&G Saluda River Field. 1st season - Saturdays Only beginning Sept 5. 2nd & 3rd seasons - Open Mon. - Sat.

SPARTANBURG

Santee Cooper. 1st season – Saturdays Only beginning Sept 5. 2nd & 3rd seasons – Open Mon. – Sat.

Spartanburg Co Parks Dept - Cherokee Springs Field. Saturdays Only beginning Sept 5. Dove hunting only.

SUMTER

*S.C. Forestry Commission - Manchester State Forest

Bland Field 1. Sept. 5 is Youth Hunt Only. 1st season - Saturdays Only. 2nd & 3rd seasons open Mon – Sat.

*Tuomey Fields Field A – 1st season – Saturdays Only beginning Sept 5. 2nd & 3rd seasons open Mon. – Sat.

*Tuomey Fields Field B – 1st season – Saturdays Only beginning Sept 5. 2nd & 3rd seasons open Mon. – Sat.

UNION

DNR Thurmond Tract. 1st season – Saturdays Only beginning Sept 5. 2nd & 3rd seasons open Mon. – Sat.

U.S. Forest Service - Sedalia. 1st season – Saturdays Only beginning Sept 5. 2nd & 3rd seasons - Open Mon. - Sat.

U.S. Forest Service - Herbert Field. Sept. 5 is Youth Hunt Only. 1st season Saturdays Only - Beginning Sept. 12, 2nd & 3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract. 1st season – Saturdays Only beginning Sept 5, 2nd & 3rd seasons Open Mon. - Sat.

York County – Worth Mountain WMA . 1st season – Saturdays Only beginning Sept 5, 2nd & 3rd seasons Open Mon. - Sat.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 17 years of age and younger. The following regulations also apply on Special Youth Dove Hunts: (1) Adults accompanying youth are NOT allowed to shoot at any time during Special Youth Dove Hunts. (2) Adults accompanying youth do NOT have to be licensed or possess a WMA permit. (3) Adults must remain in the field and closely supervise participating youth at all times. (4) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (5) Bag limit is 15 birds per youth participant. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 15 birds.

ABBEVILLE COUNTY YOUTH HUNT

U.S. Forest Service – Power of Partnerships Field, September 5.

BERKELEY COUNTY YOUTH HUNT

Bonneau Ferry WMA September 5, 12, 26

CHARLESTON COUNTY YOUTH HUNT

Botany Bay Plantation WMA September 5, 12; Nov. 28; Dec. 19; Jan. 9.

NEWBERRY COUNTY YOUTH HUNT

Belfast WMA September 5.

ORANGEBURG COUNTY YOUTH HUNT

Santee Cooper – Santee Cooper WMA, September 5.

SUMTER COUNTY YOUTH HUNT

Manchester State Forest Bland Tract Field 1 near Wedgefield, September 5.

UNION COUNTY YOUTH HUNT

U.S. Forest Service Herbert Field. September 5.

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YORK COUNTY YOUTH HUNT
DNR Draper WMA, September 5.

Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts begin on September 5, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Filed: August 26, 2015 9:39am

Document No. 4583

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40 and 123-52. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because the hunting seasons on many of these areas begin September 1 it is necessary to file these regulations as emergency.

Text:

SUBARTICLE 1

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

1.1 The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas and special restrictions for use of WMA lands are as follows:

VISIBLE COLOR CLOTHING

7.1 On all WMA lands during any gun and muzzleloader hunting seasons for deer, bear and hogs, all hunters including small game hunters must wear either a hat, coat, or vest of solid visible international orange, ~~except~~

Archery hunters during archery-only deer seasons and hunters for dove, turkey, ducks, geese and other hunted migratory birds including crows are exempt from this requirement while hunting for those species.

Statement of Need and Reasonableness:

This amendment is necessary in order to clarify the current exemption of archery hunters from the requirement to wear international orange clothing during archery only seasons. The Current regulation exempts archery hunters by default. This emergency regulation will specifically clarify that exemption. Because some hunts begin on September 1, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

The amendment of Regulations 123-40 will have no fiscal impact.