

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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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.

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TABLE OF CONTENTS

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates.....1
Committee List of Regulations Submitted to General Assembly.....2

EXECUTIVE ORDERS

Executive Order No. 2015-17 Establishing the Commission on the Advancement of Public Safety3

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Certificate of Need5
Notice of Voluntary Cleanup Contract, Contribution Protection, and Comment Period-
Bus Transfer Station Site5
Underground Storage Tanks6

DRAFTING NOTICES

ADMINISTRATION, DEPARTMENT OF

Use of State House, State House Grounds, State Buildings and State Grounds.....8

CLEMSON UNIVERSITY

State Livestock-Poultry Health Commission

State Meat Inspection Regulation.....8
State Poultry Products Inspection Regulation9

CONSUMER AFFAIRS, DEPARTMENT OF

Licensing Standards for Continuing Care Retirement Communities9
Professional Employer Organizations10

EDUCATION, STATE BOARD OF

Administrative and Professional Personnel Qualifications, Duties and Workloads.....10
Assessment Program11
Credential Classification11
District and School Planning12
Test Security12

GOVERNOR, OFFICE OF THE

State Emergency Preparedness Standards13

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Emergency Medical Services13
Licensed Midwives.....14
Psittacine Birds.....14

TABLE OF CONTENTS

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Barber Examiners, Board of

Requirements for Crossover Barber License.....15

Building Codes Council

2015 Edition of International Codes and 2014 Edition of the National Electrical Code.....15

Real Estate Appraisers Board

Continuing Education, Payment of Fees, Appraisal Experience, and Appraiser Apprentice Requirements.....16

Residential Builders Commission

Examination for Relicensure of Plumbers, Electricians, and Heating and Air Conditioning Installers and Repairers16

Examination for the Licensure of Residential Special Contractors in Carpentry, Roofing, or Masonry.....17

Residential Specialty Contractor Classifications.....17

PROPOSED REGULATIONS

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Document No. 4577 Air Pollution Control Regulations and Standards (61-62.1; 61-62.5, Standards 5 and 7.1; 61-62.6; 61-62.60; 61-62.61; 61-62.63; and 61-62.70).....18

Document No. 4578 South Carolina Trauma Care Systems25

Document No. 4579 Standards for Licensing Birthing Centers for Deliveries by Midwives34

Document No. 4580 Vital Statistics45

Document No. 4581 WIC Vendors51

REVENUE, DEPARTMENT OF

Document No. 4575 Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities.....56

Document No. 4576 Hotels, Motels, and Similar Facilities59

FINAL REGULATIONS

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Occupational Safety and Health, Office of

Document No. 4582 Occupational Safety and Health Standards (Article 1, Subarticle 7)62

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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. 2015-17

WHEREAS, recent events in South Carolina and elsewhere in the nation have placed a renewed focus on fostering better relationships between law enforcement officers and the public, highlighting the need for government to continuously be responsive to the people it services; and

WHEREAS, state, county, and municipal law enforcement officers in South Carolina must balance their duty to carry out government's responsibility to protect public safety, reduce crime, and maintain the public's trust; and

WHEREAS, it is important to emphasize that the law enforcement profession embodies true and ultimate service to the people, with officers willingly placing their lives in peril to protect citizen and communities; and

WHEREAS, for a police force to be effective, it is imperative that law enforcement officers have the trust and confidence of the people to enforce the law with integrity, fairness, and control; and

WHEREAS, in order to improve relations between law enforcement agencies and communities, this Administration can bring together state and local law enforcement professionals to develop strategies and identify best practices to benefit all state, county, and municipal law enforcement agencies and, thereby, the people they serve.

NOW, THEREFORE, pursuant to the power conferred upon me by the Constitution and Statutes of the State of South Carolina, I hereby establish the South Carolina Commission on the Advancement of Public Safety (hereinafter, "Commission"), which shall be constituted and shall execute its duties and responsibilities as follows:

Mission:

To identify best practices and make recommendations, consistent with applicable law, on how policing practices at the state, county, and municipal levels can promote effective crime reduction while building and maintaining trust in communities.

Membership:

The Commission shall be composed of 10 members appointed by the Governor:

- (1) Chief of the State Law Enforcement Division, Chairman;
- (2) Director of the Department of Public Safety;
- (3) Director of the Criminal Justice Academy;
- (4) Director of the Department of Probation, Parole, and Pardon Services;
- (5) A sheriff or representative from a county law enforcement agency with more than 300 sworn officers;
- (6) A sheriff or representative from a county law enforcement agency with less than 200 sworn officers;
- (7) A representative from a county law enforcement agency with 200 or more officers;
- (8) A representative from a municipal police department with more than 100 sworn officers;
- (9) A representative from a municipal police department with less than 100 sworn officers;
- (10) A retired law enforcement officer.

The Governor shall designate as co-chairmen the Chief of the State Law Enforcement Division and the Director of the Department of Public Safety. Administrative support shall be provided by the State Law Enforcement Division and the Department of Public Safety.

4 EXECUTIVE ORDERS

Objectives:

(1) Community Relations: To recommend practices and programs that can help develop and maintain relationships with various groups and neighborhoods in the jurisdictions across the state.

(2) Hiring Practices: To recommend and update key components for a thorough hiring process in an effort to recruit, screen, and select the highest quality candidates available.

(3) Officer Training: To review basic training and in-service training programs to identify and recommend concepts to enhance law enforcement operations in an ever-changing environment.

(4) Wellness Issues: To identify programs and practices that will assist law enforcement in managing the stresses inherently present in the profession and in identifying those officers who need assistance.

(5) Studies and Research: To identify and review recent case studies and research issues regarding officer use of force and recommend possible changes in policies and procedures.

Reports: The Commission shall present an Interim Report to the Governor no later than December 31, 2015. The Commission shall issue the final report to the Governor no later than March 31, 2016.

This order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 13th DAY OF JULY, 2015.**

**NIKKI R. HALEY
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication August 28, 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 Maggie Murdock, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-4200.

Affecting Berkeley County

Construction of a new hospice facility with thirty (30) hospice beds at a total project cost of \$5,123,803.53.
Agape Hospice of the Low Country, Inc. d/b/a Agape House of Summerville

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from August 28, 2015. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Maggie Murdock, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

Affecting Spartanburg County

Renovation and addition to an existing facility for the clinical expansions of respiratory therapy, pharmacy, emergency services, imaging, lab, surgery, sterile processing and the addition of a nine bed observation unit adjacent to the emergency department, with no change in licensed beds at a total project cost of \$33,500,000.
Spartanburg Regional Health Services District, Inc. d/b/a Pelham Medical Center

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File #401981
 Bus Transfer Station 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 the City of Spartanburg (the City). The VCC provides that the City, with DHEC's oversight, will perform future response actions at the Bus Transfer Station facility located in Spartanburg County at 100 North Liberty Street, 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, the City submitting a groundwater receptor survey and risk evaluation and, if deemed necessary by the Department, perform an additional investigation and conduct a Feasibility Study (FS) to evaluate alternatives to clean-up the Site. Further, the City will reimburse the Department's future costs of overseeing the work performed by the City and other Department costs of response pursuant to the VCC.

6 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 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 September 28, 2015, and addressed to: David Wilkie, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the City will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the City 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 the City 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 September 14, 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

**Environmental Risk Mgt, LLC
dba ERM-LLC Engineering Services**

Attn: Ron Munnings
PO Box 5119
Florence, SC 29502

GeoEnviro Services, Inc.

Attn: Joseph Schaaf
PO Box 7330
Ventura, CA 93003

Coastal Engineering & Testing, Inc.

Attn: Michael L. Allen, P.E.
1279 Remount Rd.
North Charleston, SC 29406

8 DRAFTING NOTICES

DEPARTMENT OF ADMINISTRATION
CHAPTER 19
Statutory Authority: 1976 Code Section 10-1-30

Notice of Drafting:

The Department of Administration, Division of General Services, proposes to draft new regulations concerning the use of the State House, State House Grounds and other public buildings and grounds except for the use of the second and third floors of the State House, the Senate Office Building or the House Office Building. Interested persons may submit written comments to Shawn Lavery DeJames, Assistant Director, Division of General Services, Department of Administration, 1200 Senate Street, Suite 408, Wade Hampton Building, Columbia, South Carolina 29201. To be considered, all comments must be received in writing no later than September 9, 2015, the close of the drafting period.

Synopsis:

Section 10-1-30 of the South Carolina Code of Laws authorizes the Department of Administration to promulgate regulations concerning the use of the State House, State House Grounds and other public buildings and grounds except for the use of the second and third floors of the State House, the Senate Office Building or the House Office Building. The Department of Administration and its Division of General Services proposes to draft regulations addressing the use of these areas.

Legislative review of the regulations is required.

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

Notice of Drafting:

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

Interested parties should submit written comments to Dr. Suzanne K. Southworth, Director, State Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, S. C. 29224-2406. To be considered, comments should be received no later than September 25, 2015, the close of the drafting comment period.

Synopsis:

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

This regulation will not require legislative action.

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

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

Notice of Drafting:

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

Interested parties should submit written comments to Dr. Suzanne K. Southworth, Director, State Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, S.C. 29224-2406. To be considered, comments should be received no later than September 25, 2015, the close of the drafting comment period.

Synopsis:

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

This regulation will not require legislative action.

DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28

Statutory Authority: 1976 Code Sections 37-11-10 et seq.,
particularly Section 37-11-80

Notice of Drafting:

The South Carolina Department of Consumer Affairs proposes to amend R.28-600, Licensing Standards for Continuing Care Retirement Communities. Interested parties are invited to submit written comments to Matthew Aronson, Staff Attorney, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250. To be considered, comments must be received no later than 5:00 p.m., on September 30, 2015, the close of the drafting comment period.

Synopsis:

R.28-600, Licensing Standards for Continuing Care Retirement Communities, was promulgated with an initial effective date of July 24, 1992, and amended on March 27, 2009. Proposed revisions to the regulation will address provisions including, but not limited to: Preliminary License; Final License; All License Applications; form; and Transfer of Ownership. The revisions may also include amending fee structures in accordance with the governing statute, removing duplicative language, removing language inconsistent with the governing statute, and other changes as may be necessary to improve the overall quality of the regulation.

Legislative review of these proposals is required.

10 DRAFTING NOTICES

DEPARTMENT OF CONSUMER AFFAIRS

CHAPTER 28

Statutory Authority: 1976 Code Sections 40-68-10 et seq.,
particularly Section 40-68-20

Notice of Drafting:

The South Carolina Department of Consumer Affairs proposes to amend R.28-1000, Professional Employer Organizations. Interested parties are invited to submit written comments to Matthew Aronson, Staff Attorney, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250. To be considered, comments must be received no later than 5:00 p.m., on September 30, 2015, the close of the drafting comment period.

Synopsis:

R.28-1000, Professional Employer Organizations, was promulgated with an initial effective date of July 28, 2006. Proposed revisions will address provisions including, but not limited to: Assessment on Gross South Carolina Payroll; License Renewal Procedures; Quarterly Financial Reporting; and the Maintenance of Sufficient Working Capital. The revisions may also include amending fee structures in accordance with the governing statute, removing language inconsistent with the governing statute, and other changes as may be necessary to improve the overall quality of the regulation.

Legislative review of these proposals is required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-59-10 et seq., and 20 U.S.C. 6301 et seq.

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-205 (R.43-205), Administrative and Professional Personnel Qualifications, Duties and Workloads, last revised on May 25, 2007.

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 September 28, 2015.

Synopsis:

State Board of Education Regulation R.43-205 outlines districts' administrative and professional personnel qualifications, duties and workloads. The amendment is being proposed because districts regularly seek waivers to the requirements of staffing ratios and minutes taught based on districts' strategic plans.

Legislative review is required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-310, 59-18-320, 59-18-330, 59-18-350, 59-18-360, 59-18-900, 59-20-60, and 20 U.S.C. 6301 et seq.

Notice of Drafting:

The South Carolina Board of Education (SBE) proposes to amend Regulation 43-262 (R.43-262), Assessment Program.

Interested persons may submit their comments in writing to Elizabeth Jones, Director, Office of Assessment, 1429 Senate Street, Room 209-B, Columbia, South Carolina 29201 or by e-mail to ejones@ed.sc.gov on or before 5:00 pm on September 28, 2015. To be considered, all comments must be received no later than 5:00 p.m. on September 28, 2015.

Synopsis:

The SBE proposes to amend R.43-262. Section 59-18-310 of the Education Accountability Act mandates that the statewide assessment program must include end-of-course tests for gateway courses awarded units of credit in English/language arts, mathematics, science, and social studies. Regulation 43-262(I)(H), End-of-Course Examination Program, delineates the courses for which End-of-Course tests must be administered. Proposed amendments permit the State Board of Education to define the courses in which End-of-Course tests must be administered.

Legislative review is required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (1), 59-25-110, 59-26-10 et seq., and 20 U.S.C. 6301 et seq.

Notice of Drafting:

The South Carolina Board of Education (SBE) proposes to amend Regulation 43-53 (R.43-53), Credential Classification.

Interested persons may submit their comments in writing to Dr. Angela Bain, Deputy Superintendent, Division of Educator Effectiveness, 1429 Senate Street, Room 505-A, Columbia, South Carolina 29201 or by e-mail to abain@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on September 28, 2015.

Synopsis:

Regulation 43-53 governs the requirements for teacher credential classifications. Amendments to R.43-51, Certification Requirements, will modify language within the regulation. Current language is specific to a particular educator preparation accrediting body (the National Council for Accreditation of Teacher Education (NCATE)) The purpose of this amendment is to remove specific organizational names as these names often change. The new educator preparation accrediting body is the Council for the Accreditation of Educator Preparation (CAEP); however, a new accrediting body may be formed in the future. This change would eliminate the need for a regulation change any time an accrediting body changes.

Legislative review is required.

12 DRAFTING NOTICES

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-1300, 59-18-1310, 59-18-1510, 59-20-60, 59-139-05 et seq., and 20 U.S.C. Section 6301 et seq.

Notice of Drafting:

The South Carolina Board of Education (SBE) proposes to amend Regulation 43-261 (R.43-261), District and School Planning, last revised on June 25, 2004.

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 September 28, 2015.

Synopsis:

State Board of Education R.43-261(A)(2) specifies the dates that districts and schools must submit their annual five-year district and school plans. The proposed amendment would allow submission of the district and school plans on April 30, 2015, or, if applicable, on the AdvancED plan deadline, whichever is later. State Board of Education R.43-261(C) provides that upon request the SBE or its designee may waive any regulation that would impede an approved district strategic plan or school renewal plan. The proposed amendment would grant the State Superintendent of Education the ability to waive districts or schools who subsequently seek a similar waiver.

Legislative review is required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-1-445, 59-1-447, 59-5-60, and 59-18-310(B)

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-100(IX), Test Security. Section IX was 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 September 28, 2015.

Synopsis:

State Board of Education R.43-100(IX) regulates not only test security, but also includes disciplinary action for educator's breach of professional ethics for violating test security. The amendment is being proposed because failing to test and exempting students from being assessed are breaches and the parental opt-out of testing movement unintentionally jeopardizes an educator's certificate.

Legislative review is required.

OFFICE OF THE GOVERNOR

CHAPTER 58

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

Notice of Drafting:

The Office of the Governor proposes amending Regulation 58-101, State Emergency Preparedness Standards. Interested persons may submit written comments to Danielle Maynard, Legal Counsel, South Carolina Emergency Management Division, 2779 Fish Hatchery Road, West Columbia, South Carolina 29172, or via email at dmaynard@emd.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on September 4, 2015, the close of the drafting period.

Synopsis:

The Office of the Governor proposes amending the current version of Regulation 58-101 to comply with current standards of practice. This redrafting will help delineate the roles and responsibilities in emergency management at the state level.

Legislative review of this revision is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-61-30 and 44-78-65

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend S.C. Regulation 61-7, *Emergency Medical Services*. Interested persons are invited to submit their views and recommendations in writing to Robert Wronski, EMS Director, DHEC Division of EMS and Trauma, 2600 Bull Street, Columbia, South Carolina 29201, or by email at wronskra@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on September 28, 2015, the close of the drafting comment period.

Synopsis:

The Department proposes to amend R.61-7 to incorporate changes in the state Emergency Medical Services Act, 1976 Code Sections 44-61-10, et. seq. Specifically, the amendments incorporate updated statutory requirements for EMT certification and training; amend the vehicle equipment list; define Quick Response Vehicles; modify the ground ambulance requirement to reflect the latest standards, including temperature control; change the air ambulance requirements to reflect the latest statutory amendments and FAA regulations; change staffing requirements for specific situations; clarification on licensure levels; update the fines and penalty structures within the regulations; modify names of certain response agencies; provide regulatory requirements for EMS drivers, and amend other licensure requirements.

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

Legislative review is required.

14 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 40-33-30, 44-1-140, 44-37-40, 44-37-50, 44-89-10

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-24, *Licensed Midwives*. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201, or via email at HealthRegComm@dhec.sc.gov. Comments may also be submitted electronically at the following address under the Notice of Drafting for R.61-24: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/PublicComments/>. To be considered, all comments must be received no later than 5:00 p.m. September 28, 2015, the close of the comment period.

Synopsis:

The Department of Health and Environmental Control proposes to amend Regulation 61-24. This amendment pertains to provisions relating to licensing requirements, interpretations, educational requirements, license revocation criteria, prenatal care, intrapartum care, postpartum care, care of the newborn, referral to a physician and record keeping and reporting. The Department also intends to add language to incorporate current provider wide exceptions, and memoranda that are applicable to licensed midwives.

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

Legislative review will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Section 44-1-140

Notice of Drafting:

The Department of Health and Environmental Control proposes to repeal Regulation 61-52, Psittacine Birds. This Notice of Drafting replaces and supersedes a prior Notice of Drafting published April 24, 2015 for repeal of R.61-52. Interested persons may submit written comments to Rachel Radcliffe, DVM MPH, Division of Acute Disease Epidemiology, South Carolina Department of Health and Environmental Control, 2100 Bull Street, Columbia, South Carolina 29201, or via email at radclir@dhec.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on September 29, 2015, which is the close of the comment period.

Synopsis:

The Department of Health and Environmental Control proposes to repeal Regulation 61-52. This regulation describes psittacine bird species, and restricts individuals and businesses from selling birds known to be ill with Avian Chlamydiosis (also called Psittacosis, in humans) in South Carolina. Entry of birds known to be infected with this disease may be restricted by the State Health Officer, according to 61-52. Individuals/businesses are required to keep records of sales of psittacine birds. The State Health Officer has the authority to quarantine any premises suspected or known to house psittacine birds ill with this disease. The regulation also instructs citizens to report unusual illness or death of psittacine birds to the local health authority.

DHEC proposes repealing Regulation 61-52 for a number of substantive reasons. Most psittacine birds infected with *Chlamydophila psittaci* are asymptomatic; thus, laboratory testing is required to determine if birds are colonized with this bacterial organism. It would place a substantial financial burden on owners of psittacine aviaries and pet stores to be required to test every psittacine bird for *C.psittaci*, in order to determine the carrier status of all pet birds sold in this State. Additionally, the incidence of known severe disease in humans due to *C.psittaci* infection is very low; since 1996, the CDC has received reports of fewer than 50 cases of Psittacosis in the United States each year. In South Carolina, only 2 cases have been reported in the previous 5 year period. Psittacosis symptoms may be mild, consisting of only influenza-like illness; therefore, actual Psittacosis disease burden is unknown, as most people are unlikely to pursue testing for milder illness. Also, routine antibiotic therapy is available to effectively treat most cases of Psittacosis, unlike in earlier eras. Finally, Regulation 61-52 is recommended to be repealed because 1976 Code Section 44-1-80 grants DHEC broad powers to protect the public health; emergency powers could be utilized to perform the function of Regulation 61-52 if needed.

Legislative review will be required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF BARBER EXAMINERS
CHAPTER 17**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-7-50, and 40-7-60

Notice of Drafting:

The South Carolina Board of Barber Examiners proposes to amend its regulations regarding requirements for a crossover license. Interested persons may submit comments to the administrator for the commission, Theresa Richardson, Board of Barber Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Barber Examiners proposes to amend its regulations regarding requirements for a crossover license.

Legislative review is required.

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

Statutory Authority: 1976 Code Sections 6-8-20, 6-9-40, 6-9-63(E), and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend its regulations by adopting, with modifications, mandatory codes shown in the 2015 Edition of the International Building Code; 2015 Edition of the International Residential Code; 2015 Edition of the International Fire Code; 2015 Edition of the International Fuel Gas Code; 2014 Edition of the National Electrical Code. Additionally, amending its regulations by adopting with modifications mandatory codes shown in 2015 Edition of the International Plumbing Code and 2015 Edition of the International Mechanical Code as published. Additionally, amending its regulations by adopting permissive codes as shown in 2015 Edition of the International Property Maintenance Code; 2015 Edition of the International Existing Building Code; 2015 Edition of the International Swimming Pool and Spa Code; and 2015 Edition of the International Performance Code for Buildings and Facilities as published. Interested persons may

16 DRAFTING NOTICES

submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend its regulations by adopting, with modifications, mandatory codes shown in the 2015 Edition of the International Building Code; 2015 Edition of the International Residential Code; 2015 Edition of the International Fire Code; 2015 Edition of the International Fuel Gas Code; 2014 Edition of the National Electrical Code. Additionally, amending its regulations by adopting with modifications mandatory codes shown in 2015 Edition of the International Plumbing Code and 2015 Edition of the International Mechanical Code as published. Additionally, amending its regulations by adopting permissive codes as shown in 2015 Edition of the International Property Maintenance Code; 2015 Edition of the International Existing Building Code; 2015 Edition of the International Swimming Pool and Spa Code; and 2015 Edition of the International Performance Code for Buildings and Facilities as published.

Legislative review is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE APPRAISERS BOARD
CHAPTER 137**

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

Notice of Drafting:

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

Synopsis:

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

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
RESIDENTIAL BUILDERS COMMISSION
CHAPTER 106**

Statutory Authority: 1976 Code Section 40-59-70

Notice of Drafting:

The South Carolina Residential Builders Commission proposes to amend its regulations to require examination for relicensure of plumbers, electricians and heating and air conditioning installers and repairers if: their license was issued prior to the examination requirement; they were grandfathered into compliance; and they allow their license to lapse or expire. Interested persons may submit comments to Janet Baumberger, Administrator, Residential Builders Commission, Post Office Box 11329, Columbia, S.C. 29211-1139.

Synopsis:

The South Carolina Residential Builders Commission proposes to amend its regulations to require examination for relicensure of plumbers, electricians and heating and air conditioning installers and repairers if: their license was issued prior to the examination requirement; they were grandfathered into compliance; and they allow their license to lapse or expire.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
RESIDENTIAL BUILDERS COMMISSION
CHAPTER 106
Statutory Authority: 1976 Code Section 40-59-70**

Notice of Drafting:

The South Carolina Residential Builders Commission proposes to amend its regulations to require examination for the licensure of residential specialty contractors in carpentry, roofing, or masonry. Additionally, if a residential specialty contractor in carpentry, roofing, or masonry who was granted registration by grandfathering allows the registration to lapse or expire, the contractor would be required to take the examination for relicensure. Interested persons may submit comments to Janet Baumberger, Administrator, Residential Builders Commission, Post Office Box 11329, Columbia, S.C. 29211-1139.

Synopsis:

The South Carolina Residential Builders Commission proposes to amend its regulations to require examination for the licensure of residential specialty contractors in carpentry, roofing, or masonry. Additionally, if a residential specialty contractor in carpentry, roofing, or masonry who was granted registration by grandfathering allows the registration to lapse or expire, the contractor would be required to take the examination for relicensure.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
RESIDENTIAL BUILDERS COMMISSION
CHAPTER 106
Statutory Authority: 1976 Code Section 40-59-70**

Notice of Drafting:

The South Carolina Residential Builders Commission proposes to amend by making additions to the types of work that may be performed within certain residential specialty contractor classifications. Interested persons may submit comments to Janet Baumberger, Administrator, Residential Builders Commission, Post Office Box 11329, Columbia, S.C. 29211-1139.

Synopsis:

The South Carolina Residential Builders Commission proposes to amend its regulations by making additions to the types of work that may be performed within certain residential specialty contractor classifications.

Legislative review of this amendment is required.

18 PROPOSED REGULATIONS

Document No. 4577

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:

(1) Pursuant to the South Carolina Pollution Control Act, Section 48-1-10 et seq., along with the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations. 42 U.S.C. Section 7416. The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations throughout each calendar year. Recent federal amendments to 40 CFR Parts 51, 52, 60, 61, 63 and 70 include clarification, guidance and technical revisions to SIP requirements promulgated pursuant to 42 U.S.C. 7410 & 7413, New Source Performance Standards (“NSPS”) mandated by 42 U.S.C. 7411, and federal National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories.

(2) The Department therefore proposes to amend Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (“NESHAP”), Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories, and Regulation 61-62.70, Title V Operating Permit Program, to codify federal amendments to these standards promulgated from January 1, 2014, through December 31, 2014.

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

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

A Notice of Drafting was published in the *State Register* on March 27, 2015, to initiate the statutory process to amend Regulation 61-62. The Notice of Drafting was also sent via Department list serve to appropriate stakeholders on April 1, 2015. The Department did not receive any comments. A second Notice of Drafting to include an amendment to Regulation 61-62.70 and meant to supersede the original Notice published March 27, 2015, was published in the *State Register* on May 22, 2015. The Notice of Drafting was also sent via Department list serve to appropriate stakeholders on June 3, 2015. The Department did not receive any comments.

Discussion of Proposed Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

Regulation 61-62.1, Definitions and General Requirements

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph C.1. is amended to strike the upper case “F” in federal, and replace with a lower case “f” to read, “federal government” for consistency and grammatical correctness.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph C.1. is amended to strike “.)” and add “.)” at the end of the paragraph for grammatical correctness.

Regulation 61-62.5, Air Pollution Control Standards, Standard 5, Volatile Organic Compounds

Regulation 61-62.5, Air Pollution Control Standards, Standard 5, Volatile Organic Compounds: Section II, Paragraphs A.2.a.(i). through A.2.a.(v). are amended to strike the period after each of the codification citation references “(i).” through “(v).” to properly cite each item per the 2014 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard 5, Volatile Organic Compounds: Section II, Paragraphs A.3.a.(i). through A.3.a.(iii). are amended to strike the period after each of the codification citation references “(i).” through “(iii).” to properly cite each item per the 2014 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard 5, Volatile Organic Compounds: Section II, Paragraphs B.2.a.(i). through B.2.a.(v). are amended to strike the period after each of the codification citation references “(i).” through “(v).” to properly cite each item per the 2014 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard 7.1, Nonattainment New Source Review (NSR)

Regulation 61-62.5, Air Pollution Control Standards, Standard 7.1, Nonattainment New Source Review (NSR): Paragraph (c)(6)(C)(v)(a) is amended to strike the date “December 12, 1976” and replace it with the date “December 21, 1976” to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard 7.1, Nonattainment New Source Review (NSR): Paragraph (c)(7)(A)(i)(d) is amended to strike a period and replace with a comma before “or” for consistency and grammatical correctness.

Regulation 61-62.5, Air Pollution Control Standards, Standard 7.1, Nonattainment New Source Review (NSR): Paragraph (d)(1)(C)(viii) is amended to strike and replace the “p” in “part” and “s” in “subpart” from lower case to upper case for consistency throughout the regulation.

Regulation 61-62.6, Control of Fugitive Particulate Matter

Regulation 61-62.6, Control of Fugitive Particulate Matter, Section I, Control of Fugitive Particulate Matter in Nonattainment Areas: Paragraph (C) is amended to strike the hyphen in the term “non-attainment” for consistency with federal regulation.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart A, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014; and 79 FR 18952, April 4, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Da, Table, is amended to incorporate federal revisions at 79 FR 68777, November 19, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Db, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Ec, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

20 PROPOSED REGULATIONS

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Ga, Table, is amended to incorporate federal revisions at 79 FR 25681, May 6, 2014, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart H, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart O, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Y, Table, is amended to change Federal Register Notice volume number to correct a typographical error.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Z, Table, is amended to change Federal Register Notice volume number to correct a typographical error.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart BB, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014; and 79 FR 18952, April 4, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart BBa, Table, is amended to incorporate newly promulgated federal revisions at 79 FR 18952, April 4, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart DD, Table, is amended to change Federal Register Notice volume number in both the “Volume” and “Notice” columns to correct typographical errors.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart GG, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart KK, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart LL, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart QQ, Table, is amended to change Federal Register Notice volume number to correct a typographical error.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart UU, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart NNN, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart III, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart JJJ, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart OOOO, Title is amended to strike the comma after Part 60 for consistency, and Table, is amended to incorporate federal revisions at 79 FR 79018, December 31, 2014, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation, 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP)

Regulation, 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Subpart A, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation, 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Subpart C, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation, 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Subpart D, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation, 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Subpart E, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation, 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Subpart N, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation, 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart A, Title, is amended to strike the term “CFR” and replace with “Code of Federal Regulations (CFR)” and strike the comma after Part 63 for consistency, and Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014; and 79 FR 17340, March 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart F, Table, is amended to change Federal Register Notice page number to correct a typographical error.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart G, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart N, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart O, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart X, Table, is amended to incorporate federal revisions at 79 FR 367, January 3, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart Y, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

22 PROPOSED REGULATIONS

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart GG, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart WW, Table, is amended to strike “Vol.67” and replace with “Vol. 67” to correct a typographical error.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart YY, Table, is amended to incorporate federal revisions at 79 FR 60898, October 8, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart CCC, Title, is amended to strike the term “HCl” and replace with “HCl” for clarity and correctness.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart DDD, Title, is amended to strike the term “Wood” and replace with “Wool” for clarity and correctness.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart EEE, Table, is amended to strike the comma from “September, 30, 1999” to correct a typographical error.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart GGG, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart III, Table, is amended to incorporate federal revisions at 79 FR 48073, August 15, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart JJJ, Table, is amended to incorporate federal revisions at 79 FR 17340, March 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart MMM, Table, is amended to incorporate federal revisions at 79 FR 17340, March 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart OOO, Table, is amended to incorporate federal revisions at 79 FR 60898, October 8, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart PPP, Table, is amended to incorporate federal revisions at 79 FR 17340, March 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart RRR, Title, is amended to strike the word “Pollutant” and replace with “Pollutants” for consistency, and Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart CCCC, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart EEEE, Table, is amended to change Federal Register Notice volume number to correct a typographical error.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart UUUU, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart ZZZZ, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart UUUUU, Title, is amended to add the phrase “and as subsequently amended upon publication in the Federal Register” for consistency, and Table, is amended to incorporate federal revisions at 79 FR 68777, November 19, 2014; and 79 FR 68795, November 19, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart DDDDDD, Title, is amended to add the phrase “and as subsequently amended upon publication in the Federal Register” for consistency.

Regulation, 61-62.70, Title V Operating Permit Program

Regulation 61-62.70, Title V Operating Permit Program: Part 70.6, Table, is amended to restore a sentence inadvertently removed by editing error at the federal level, at 79 FR 43661, July 28, 2014.

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 R.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 November 12, 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, 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/BoardofDirectors/>. 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 Marie F. Brown 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 brownmf@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 28, 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.

24 PROPOSED REGULATIONS

Copies of the proposed regulation for public notice and comment may be obtained by contacting Marie F. Brown at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; by calling (803) 898-1796; or by emailing brownmf@dhec.sc.gov. A copy may also be obtained on the Department's Regulatory Information Internet Site at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/> in its DHEC Regulation Development Update. To access this document, click on the Air category, then scan down for this proposed amendment.

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: Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards and the South Carolina Air Quality Implementation Plan ("SIP").

Purpose: (1) The United States Environmental Protection Agency ("EPA") promulgated amendments to national air quality standards in 2014. The recent federal amendments include clarification, guidance and technical revisions to SIP requirements promulgated pursuant to 42 U.S.C. 7410 & 7413, New Source Performance Standards ("NSPS") mandated by 42 U.S.C. 7411, and federal National Emission Standards for Hazardous Air Pollutants ("NESHAP") for Source Categories.

(2) The Department therefore proposes to amend Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants ("NESHAP"); Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants ("NESHAP") for Source Categories; and Regulation 61-62.70, Title V Operating Permit Program, to codify federal amendments to these standards promulgated from January 1, 2014, through December 31, 2014.

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

Legal Authority: Pursuant to the South Carolina Pollution Control Act, Section 48-1-10 et seq., along with the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations. 42 U.S.C. Section 7416.

Plan for Implementation: The proposed amendments will take effect upon approval by the Board of Health and Environmental Control and publication in the *State Register*. These requirements are in place at the federal level and are currently being implemented. The proposed amendments will be implemented in South Carolina by providing the regulated community with copies of the regulation, publishing associated information on our website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/>, sending an email to stakeholders, and communicating with effected facilities during the permitting process.

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

The EPA promulgates amendments to 40 CFR Parts 51, 52, 60, 61, 63 and 70 throughout each calendar year. Federal amendments in 2014 included new and revised NSPS rules, NESHAPs, and NESHAPs for Source Categories. States are mandated by law to adopt these federal amendments. These amendments are reasonable as they promote consistency and ensure compliance with both state and federal regulations.

DETERMINATION OF COSTS AND BENEFITS:

There is not anticipated increase in cost to the State or its political subdivisions resulting from these proposed revisions. The standards to be adopted are already in effect and applicable to the regulated community as a matter of federal law, thus the regulated community has already incurred the cost of these regulations. The proposed amendments incorporate the revisions to the EPA regulations, which the Department implements pursuant to the authority granted by Section 48-1-50 of the Pollution Control Act. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

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:

Adoption of the recent changes in federal regulations through the proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards will provide continued protection of the environment and public health.

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

The State's authority to implement federal requirements, which are beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.

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. 4578
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 44-61-510 et seq.

61-116. South Carolina Trauma Care Systems.

Preamble:

Regulation 61-116 was promulgated in 2009. The proposed amendments herein include the Department's effort to incorporate updates and clarification relating to designation criteria as published by the American College of Surgeons, reporting requirements, standards of care, enforcement provisions, staffing requirements, and facility design and construction. In addition, corrections have been made for clarity, readability, grammar, references, codification, and overall improvement to the text of the regulation.

A Notice of Drafting was published in the *State Register* on March 27, 2015.

Section-by-Section Discussion of Proposed Amendments

Statutory authority for this regulation was added under the title of the regulation and before the table of contents.

26 PROPOSED REGULATIONS

TABLE OF CONTENTS

The table was revised to reflect the proposed amendments.

61-116.100. Scope

Section 100 has been deleted as the statutory authority has been relocated before the table of contents.

61-116.100. Definitions (formerly 61-116.201)

The definitions of 100.K Glasgow Coma Scale, 100.L Hospital, 100.P Level I Pediatric, 100.R Level II Pediatric, and 100.T Level IV were added. The definitions of 100.A (formerly 201.2) Bypass, 100.B (formerly 201.3) Certificate, 100.C (formerly 201.4) Certificate Holder, 100.E (formerly 201.7) Designation, 100.G (formerly 201.10) Emergency Medical Services, 100.H (formerly 201.11) Emergency Medical Services Advisory Council, 100.N (formerly 201.15) Injury Prevention, 100.O (formerly 201.16) Level I, 100.Q (formerly 201.17) Level II, 100.S (formerly 201.18) Level III, 100.V (formerly 201.20) Medical Control, 100.X (formerly 201.22) Performance Improvement, 100.BB (formerly 201.28) Revocation of Certificate, 100.CC (formerly 201.29) South Carolina Trauma Plan, 100.FF (formerly 201.32) State Trauma Registry, 100.GG (formerly 201.33) Suspension of Certificate, 100.HH (formerly 201.35) Trauma, 100.II (formerly 201.36) Trauma Care Facility, 100.JJ (formerly 201.37) Trauma Care Region, 100.LL (formerly 201.41) Trauma Patient, and 100.OO (formerly 201.44) Trauma Service Director have been amended. The definitions of 201.1 ACS, 201.5 CRNA, 201.8 Diversion, 201.23 Performance Improvement Plan, 201.27 Residency Program, 201.34 TAC, 201.39 Trauma Center, and 201.40 Trauma Center Designation have been deleted. The remaining definitions were renumbered to adjust the codification.

61-116.202. References

Section 202 has been deleted as this section is no longer necessary.

61-116.200. DESIGNATION PROCESS (formerly 61-116.300)

Section number has been amended to adjust the codification.

61-116.301. General

Section 301 has been deleted.

61-116.201. Eligibility for Designation (formerly 61-116.302)

Section 201.B (formerly 302.B) has been amended to require hospitals seeking designation or renewal of designation after July 1, 2018, to obtain an American College of Surgeons (ACS) verification. Section 302.C has been deleted.

61-116.202. Application Process

Section 202.A was added to require a facility seeking designation to submit to the Department a completed application and Pre-Review Questionnaire (PRQ). Sections 202.B and 202.C were added to delineate the required contents of the application. Section 202.D was added stating that the application shall be considered public information at the conclusion of the designation process, subject to state and federal laws. Section 202.E requires that all applicants after July 1, 2018, undergo a state visit by an ACS team member accompanied by a Department representative. Section 202.F states that applicants prior to July 1, 2018, shall undergo a state or ACS site visit.

61-116.203. Designation Renewal (formerly 61-116.303)

Section 203.A was added requiring all designations prior to July 1, 2018, to be renewed every five (5) years. Section 203.B was added requiring all designations after July 1, 2018, to be renewed at timeframes as required by the ACS.

61-116.204. Categories of Designation (formerly 61-116.304)

Section 204.A (formerly 304.A) was amended stating that designations available are the adult and pediatric designations in Chapter 2 of the 2014 ACS “Resources for Optimal Care of the Injured Patient.” Section 204.B (formerly 304.B) was amended to allow for full or provisional designation. Section 204.C was added to delineate the requirements for provisional designation prior to July 1, 2018.

61-116.305. Application Process

This section was deleted and incorporated into new Section 202.

61-116.205. Designation (formerly 61-116.306)

New Section 205.A was added to require any new hospital desiring to become a trauma center after July 1, 2018, to provide to the Department an ACS verification notice. New Section 205.B was added to require completion of the PRQ after the application. New Section 205.C was added to prescribe the timeline for submission of the PRQ.

61-116.206. Site Review

New Section 206 was added to delineate the requirements and duties of the site review.

61-116.207. Review Team Composition

Section 207.A was added to delineate the composition of the review team. Section 207.B was added to delineate the composition of review teams for follow-up visits on provisionally designated centers. Section 207.D was added to require the center seeking designation to cover all costs of the review team. Section 207.E was added to prescribe the review team requirements for facilities seeking designation prior to July 1, 2018. Section 207.F was added to require facilities seeking designation after July 1, 2018, to undergo the ACS verification process.

61-116.208. Protocol for Inspections

Section 208 was added to prohibit any personnel or representatives of the applicant from having any contact with any onsite review team member.

61-116.209. Content of Inspections

Section 209 was added to delineate the content of inspections as performed by the onsite review team.

61-116.210. Designation Criteria

Section 210.A was added to require trauma center levels to be granted in accordance with the designation criteria of the 2014 ACS “Resourced for Optimal Care of the Injured Patient.” Section 210.B was added to delineate the required charts for chart review by the site review team.

61-116.211. Designation Process

Section 211.A was added to allow for a draft report to provide feedback to the facility prior to the official written report. Section 211.B was added to allow the review team to submit their recommendation to the Department within thirty (30) days. Section 211.C was added to require that the final report be sent to the Trauma Program Manager, Trauma Medical Director, and Administrator as identified on the application. Section 211.E was added to prescribe the process for final determination of designation. Section 211.F was added to require hospitals requesting designation after July 1, 2018, to submit a letter of verification from the ACS. Section 211.H was added to require a waiting period for hospitals denied designation or whose designation was suspended or revoked prior to resubmitting an application.

61-116.212. Process of Re-designation (formerly 61-116.307)

Section 212.A (formerly 307.A) was amended to require the designation interval after July 1, 2018, to coincide with the ACS verification cycle and not to exceed three (3) years. Section 212.C was added to require the hospital seeking re-designation to follow the application procedure of Section 202. Section 212.D was added to require facilities seeking re-designation to follow the designation process of Section 211. Section 307.D was deleted.

28 PROPOSED REGULATIONS

61-116.308. Appeals from Decision for Designation or Non-Designation

This section was deleted as it is no longer necessary.

61-116.213. Change in Trauma Center Designation Status (formerly 61-116.309)

Section 213.C (formerly 309.C) was amended to require hospitals to have a complete onsite visit at the level of designation they are requesting.

61-116.214. Public Notification of Trauma Center Designation Status (formerly 61-116.310)

Section 214.B (formerly 310.B) has been amended to delineate confidentiality requirements of the inspection team records and reports.

61-116.300. CERTIFICATE OF DESIGNATION REQUIREMENTS (formerly 61-116.400)

This section number was amended to adjust the codification.

61-116.301. Certification Requirements (formerly 61-116.401)

Section 301.A (formerly 401.A) was amended to add that false representation as a trauma center may result in monetary penalties as determined by the Department. Section 401.C has been deleted. The remaining sections were renumbered to adjust the codification.

61-116.302. Issuance and Terms of the Certificate of Designation (formerly 61-116.402)

Section 402.B has been deleted. Section 302.D (formerly 402.E) was amended to state certificates shall be effective until the Department notifies the holder otherwise or until expiration of such certificate. Section 302.D (formerly 402.E) was further amended to state that certificates issued after July 1, 2018, shall expire on the date of expiration of the ACS verification. The remaining sections have been renumbered to adjust the codification.

61-116.303. Exceptions to the Standards (formerly 61-116.403)

This section was renumbered to adjust the codification.

61-116.400. ENFORCEMENT OF REGULATIONS (formerly 61-116.500)

Section title was amended for clarity and section was renumbered to adjust the codification.

61-116.401. General (formerly 61-116.501)

Section 401 (formerly 501) was amended to delineate the items the Department may review in enforcing the regulation.

61-116.402. Inspections and Investigations (formerly 61-116.502)

Section 402.A (formerly 502.A) has been amended to reference the appropriate sections. Section 402.C (formerly 502.C) has been amended for clarity. Section 402.D (formerly 502.D) has been amended for clarity and form. Section 402.F (formerly 502.F) was amended to include the TAC in required confidentiality of records and reports developed pursuant to onsite reviews.

61-116.503. Inspection Report for Designation

This section was deleted as these requirements have been incorporated into other sections within the regulation.

61-116.504. Inspection Team Composition

This section was deleted as these requirements have been incorporated into other sections within the regulation.

61-116.505. Protocol for Inspections

This section was deleted as these requirements have been incorporated into other sections within the regulation.

61-116.506. Content of Inspection

This section was deleted as these requirements have been incorporated into other sections within the regulation.

61-116.403. Investigation Procedures (formerly 61-116.507)

Section 403.B (formerly 507.B) was amended to state that all designated trauma centers and EMS providers are subject to investigation at any time without prior notice by individuals authorized by the Department. Section 403.C was added to allow examination of equipment, vehicles, physical plant, and records by an authorized representative of the Department. The remaining sections have been renumbered to adjust the codification.

61-116.500. ENFORCEMENT ACTIONS (formerly 61-116.600)

Section was renumbered to adjust the codification.

61-116.501. General (formerly 61-116.601)

Section 501 (formerly 601) title was amended for clarity and consistency. Section 501.A (formerly 601.A) was amended to allow enforcement for failure to comply with designation criteria and/or failing to comply with previously approved corrective plans.

61-116.502. Violation Classifications (formerly 61-116.602)

Sections 502.A (formerly 602.A), 502.B (formerly 602.B), and 502.C (formerly 602.C) were amended for clarity. Section 502.D.5 (formerly 602.D.5) was deleted. Section 502.E (formerly 602.E) was amended to delineate the monetary penalties. Section 602.F was deleted. The remaining sections were renumbered to adjust the codification.

61-116.600. STAFFING (formerly 61-116.700)

This section was renumbered to adjust the codification. Section 600.A (formerly 700.A) has been amended to require trauma centers to have adequate staff, physicians, Trauma Program Manager, and Registrar and to delineate the applicable edition of the ACS “Resources for Optimal Care of the Injured Patient.” Section 600.B (formerly 700.B) was amended to include the applicable edition of the ACS “Resources for Optimal Care of the Injured Patient.”

61-116.700. FACILITY, EQUIPMENT, AND CARE REQUIREMENTS (formerly 61-116.800)

Section title was amended for clarity and section renumbered to adjust the codification.

61-116.701. Physical Facilities (formerly 61-116.801)

Section 701 (formerly 801) was amended to delineate the applicable edition of the ACS “Resources for Optimal Care of the Injured Patient.”

61-116.702. Trauma Care of the Patient (Transfers) (formerly 61-116.802)

Section 702 (formerly 802) was amended to clarify the requirements for transferring patients from non-designated trauma centers to appropriate level trauma centers.

61-116.703. Trauma Care Services (formerly 61-116.803)

Section 703.A (formerly 803.A) was amended to delineate the applicable edition of the ACS “Resources for Optimal Care of the Injured Patient.”

61-116.800. TRAUMA TRIAGE AND TRANSPORT GUIDELINES

This new section was added to delineate the requirements for triage and transport of trauma patients.

61-116.801. Purpose

Section 801 was added to require that triage and transport guidelines be established using the 2011 version of the Center for Disease Control’s “Guidelines for Field Triage of Injured Patients.”

61-116.802. Required Participation

Section 802 was added to require that all licensed EMS providers utilize the Department’s trauma triage and transport guidelines and allow EMS providers to edit the guidelines to identify local trauma centers.

30 PROPOSED REGULATIONS

61-116.803. Required Transport

Section 803 was added to require EMS personnel to transport trauma patients directly to a trauma center qualified to provide appropriate care unless one (1) or more of the exceptions prescribed therein apply.

61-116.804. Triage Tag System

Section 804 was added to implement the triage tag system. The initial supply of tags shall be provided by the Department on a first come first served basis and it shall be the responsibility of each agency to replenish their supply as necessary.

61-116.901. General

Section 901 was amended for clarity and form.

61-116.902. Grievance and Complaints

Section 902.B was added to delineate the process of complaints upon receipt by the Department. The remaining sections were renumbered to adjust the codification.

61-116.1001. Purpose of Trauma Registry

Section 1001.A was amended to state that the data elements collected in the state registry shall be determined by the Department with collaboration from the TAC and defined in the data dictionary. Section 1001.C was added to allow any South Carolina hospital to participate in submitting to the Trauma Registry. Section 1001.D was added to provide the current data dictionary to all trauma centers to defined required data points.

61-116.1002. Requirement to Submit Data

Section 1002.A.2 was added to require designated trauma centers to submit data to the National Trauma Data Bank. Section 1002.A.3 (formerly 1002.A.2) was amended to delineate the timeframe for submitting data to the Department. Section 1002.C has been deleted.

61-116.1003. Inclusion and Exclusion Criteria

Section 1003 has been amended to require that inclusion and exclusion criteria shall be maintained in the state data dictionary and shall include, at a minimum, information and data points required by the National Trauma Data Bank.

61-116.1004. Confidentiality Protection of Data and Reports

Section 1004 was amended to allow for distribution of reports that do not contain protected health information or any identifiable information and to require that such reports show only general information and not identify any protected information or hospital information.

61-116.1201. Eligible Recipients of Fund

Section 1201 was amended to include Regional Trauma Councils as eligible recipients of trauma care funds appropriated by the South Carolina General Assembly.

61-116.1202. Allocation of Fund

Section 1202 was amended to delete various items and consolidate them into one section. Section 1202 was further amended to include Regional Trauma Councils in the funds allocation and to allow for distribution of funds after Department operating expenses.

61-116.1301. General

Section 1301 was amended for clarity.

61-116.1302. Statewide Trauma System Performance Improvement Plan

Section 1302 was amended to include workgroups of the Trauma Advisory Council.

61-116.1303. Trauma Center Performance Improvement Plan

Section 1303 was amended to require that records include the process for identification and review, documentation or disposition of issued found, and summaries of changes implemented to include, but not be limited to, patient care practice, policies, and/or operating procedures.

61-116.1304. Performance Improvement and Feedback

Section 1304 was added to require trauma centers to develop functional relationships with all potential referring facilities, provide feedback, and identify any process issues and create a written cooperative plan when needed.

61-116.1401. State Trauma Advisory Council

Section 1401.B was amended for grammar. Section 1401.B.1, 1401.B.3, and 1401.B.4 have been amended for clarity.

61-116.1402. Medical Control Committee

Section 1402.A was amended for clarity.

61-116.1500. TRAUMA TRIAGE AND TRANSPORT GUIDELINES

Section 1500 and remaining subsections have been deleted as these requirements were incorporated into new Section 800.

61-116.1500. TRAUMA SYSTEM PLANS (formerly 61-116.1600)

Section was renumbered to adjust the codification.

61-116.1501. General (formerly 61-116.1601)

Section 1501.A (formerly 1601.A) was amended to require input from the TAC and its working group in establishing a state trauma plan. Section 1501.D (formerly 1601.E) was amended for clarity. Section 1601.D was deleted.

61-116.1602. Trauma Regions

Section 1602 has been deleted as this section is no longer necessary.

61-116.1502. Trauma Center Internal Trauma Plan (formerly 61-116.1603)

Section 1502 (formerly 1603) has been amended to require that the internal trauma plan for the trauma center be made available to the site survey team at the time of their visit.

61-116.1600. SEVERABILITY (formerly 61-116.1700)

Section was renumbered to adjust the codification.

61-116.1700. GENERAL

Section 1700 was added to state that conditions not addressed in this regulation shall be managed in accordance with the best practices as determined by the Department.

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 November 12, 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

32 PROPOSED REGULATIONS

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 Robert A. Wronski, South Carolina DHEC, 2600 Bull Street, Columbia, South Carolina 29201 or by email to wronskra@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 September 28, 2015, the close of the public comment period. Written comments received by the deadline, September 28, 2015, shall be considered by the Department in formulating the final proposed regulation for public hearing on November 12, 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 Mr. Wronski 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 "Emergency Medical Services and Trauma; Athletic Trainers" topic and scroll down for R.61-116.

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 1976 Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R.61-116, *South Carolina Trauma Care Systems*.

Purpose: The purpose of these amendments to R.61-116 is to clarify standards pertaining to South Carolina Trauma Care Systems. These proposed amendments provide updates to designation criteria as published by the American College of Surgeons, reporting requirements, facility design and construction, provisions relating to standards of care, staffing requirements, application requirements, triage and transport requirements, inspections and violations enforcement, data collection, and general designation requirements. 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 Sections 44-61-510 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.61-116, which includes these latest amendments, will be available electronically on the Department's Laws and Regulations website under the Health Regulations 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:

The Department promulgated R.61-116 in 2009. 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 61-116 has not been substantively updated since its promulgation in 2009. Therefore, many of the procedures, practices, and terms are outdated and/or inapplicable. The amendments further clarify and improve designation criteria as published by the American College of Surgeons, provisions relating to standards of care, staffing requirements, triage and transport, enforcement provisions, and overall facility design and construction.

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.61-116 update designation requirements to the current criteria as published by the American College of Surgeons, improve standards of care, update staffing requirements and triage and transport requirements, improve data collection standards, and provide overall updates to the regulation for clarity and consistency.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The amendments to R.61-116 seek to support the Department's goals relating to 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 not 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.61-116 pursuant to the S.C. Code Section 1-23-120(J) requirement the Department perform a formal review of its regulations every five (5) years and update them if necessary. The amendments update R.61-116 to comply with current designation criteria of the American College of Surgeons, improve reporting requirements, update data collections standards, and update provisions relating to staffing requirements, application requirements, triage and transport requirements, and facility design and construction requirements.

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.

34 PROPOSED REGULATIONS

Document No. 4579

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-260 and 44-89-10

61-102. Standards for Licensing Birthing Centers for Deliveries by Midwives.

Preamble:

Regulation 61-102 has not been substantively updated since it was promulgated in 1991. The proposed amendments herein include the Department's effort to incorporate updates and clarification relating to facility licensure requirements, reporting requirements, medical record maintenance, emergency procedures and disaster preparedness, patient care, treatment and services, design and construction, and fire and life safety. In addition, corrections have been made for clarity, readability, grammar, references, codification, and overall improvement to the text of the regulation.

A Notice of Drafting was published in the *State Register* on October 24, 2014.

Section-by-Section Discussion of Proposed Amendments

The title of the regulation was amended for clarity.

Statutory authority for this regulation was added under the title of the regulation and before the table of contents.

TABLE OF CONTENTS

The table of contents was added.

61-102.100. Definitions (formerly 61-102.A(1))

The definition of 100.B Authorized Healthcare Provider was added. The definitions of 100.A (formerly A(1)(a)) Administrator, 100.C (formerly A(1)(b)) Birthing Center, 100.D (formerly A(1)(c)) Birthing Room, 100.E (formerly A(1)(e)) Certified Nurse Midwife, 100.F (formerly A(1)(f)) Clinical Staff, 100.G (formerly A(1)(g)) Department, 100.H (formerly A(1)(h)) Governing Body, 100.I (formerly A(1)(i)) Lay Midwife, 100.J (formerly A(1)(j)) Licensing Agency, 100.K (formerly A(1)(k)) Low Risk, 100.L (formerly A(1)(l)) Midwifery, 100.M (formerly A(1)(n)) Personnel, 100.N (formerly A(1)(o)) Physician, 100.O (formerly A(1)(p)) Recovery, and 100.P (formerly A(1)(q)) Registered Nurse have been amended. The definitions of A(1)(d) Board, and A(1)(m) Person have been deleted. The remaining definitions were renumbered to adjust the codification.

61-102.200. LICENSE REQUIREMENTS (formerly 61-102.A(2))

Section A(2) title Interpretations title was renumbered to Section 200 and titled License Requirements.

61-102.201. Scope of Licensure

Section 201 title Scope of Licensure was added for clarification. Section 201.A (formerly A(2)(a)) was amended to require a Department-issued license prior to operating a birthing center. Section 201.B (formerly A(2)(b)) was amended to indicate the effective date of licensure as stated on the license. Section 201.C (formerly A(2)(c)) was amended to update codification and grammatical format. Section A(2)(d) was deleted as this language has been incorporated into Section 201.B. Section 201.D (formerly A(2)(e)) was amended to update codification and to remove unnecessary wording. Section 201.E was added to prohibit assigned or transferring a license and to allow for license revocation or suspension by the Department for failure to comply with state law or regulations.

61-102.202. License Application (formerly 61-102.B(1))

Section B(1) was relocated to new Section 202 and titled License Application. Section 202 clarifies the requirements of and required documents for the license application.

61-102.203. Compliance

New Section 203 was added to require initial licensees to comply with licensing standards and to require a copy of the licensing standards be available to all staff.

61-102.204. Compliance with Structural Standards

New Section 204 is a grandfather clause that was added to allow facilities licensed at the time of promulgation of these regulations to continue utilizing the previously-licensed structure without modification.

61-102.205. Licensing Fee (formerly 61-102.A(2)(f))

Former Section A(2)(f) was relocated to new Section 205 and allows for credit card payment of licensing fees.

61-102.206. Change of License (formerly 61-102.A(2)(k))

Section 206 (formerly A(2)(k)) was amended to correct codification and to clarify the requirements of changing a license.

61-102.207. Exceptions to Licensing Standards (formerly 61-102.A(2)(j))

This section was relocated and renumbered to adjust the codification. The amendment adds language clarifying licensing standards with regard to exceptions.

61-102.300. ENFORCEMENT OF REGULATIONS

Section 300 was added outline procedures for enforcement of the regulation.

61-102.301. General

Section 301 was added to allow the Department to utilize inspections, investigations, consultations, and other documentation to enforce the regulation.

61-102.302. Inspections and Investigations

Section 302.A requires that facilities be inspected prior to initial licensing. Section 302.B states that facilities are subject to inspection or investigation at any time without prior notice by authorized individuals. Section 302.C delineates the requirements of facility accessibility for inspectors. Section 302.D describes the written plan of correction for facilities that are found noncompliant. Section 302.E was added to state that the Department may charge a fee for plan for inspections, including plan reviews, construction inspections, and licensing inspections.

61-102.400. ENFORCEMENT ACTIONS (formerly 61-102.A(3))

The amendment revises the language in Section 61-102.400 (formerly 61-102.A(3)) to clarify enforcement actions and adds the appropriate section title.

61-102.401. General (formerly 61-102.A(3))

Section 401 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.

61-102.402. Violation Classifications

Sections 402.A (formerly A(3)(a)), 402.B (formerly A(3)(b)), 402.C (formerly A(3)(c)), and 402.D (formerly A(3)(d)) were amended to adjust the codification and delineate the different classes of violations. Section A(3)(e) was unnecessary and therefore removed. Section 402.E (formerly A(3)(f)) was amended to update the monetary penalty ranges and conform to codification.

36 PROPOSED REGULATIONS

61-102.500. GOVERNING AUTHORITY AND MANAGEMENT (formerly 61-102.C)

Section 500 (formerly C) was amended to adjust the codification.

61-102.501. General (formerly 61-102.C(1))

Section 501 (formerly C(1)) was amended for grammar and to adjust the codification.

61-102.502. Governing Authority (formerly 61-102.C(2))

Section 502 (formerly C(2)) was amended to clarify the requirements and duties of the governing authority of the facility and all items therein update to adjust the codification.

61-102.503. Administrator (formerly 61-102.C(3))

Section 503 (formerly C(3)) was amended grammatically and to clarify the requirements of the facility administrator.

61-102.504. Administrative Records (formerly 61-102.C(4))

Section 504 (formerly C(4)) was amended to adjust the codification and to delineate the requirements of administrative records.

61-102.600. STAFF AND TRAINING

Title added to clarify requirements of staff and training.

61-102.601. General (formerly 61-102.C(5))

Section 601 (formerly C(5)) was amended to clarify staffing requirements and to further clarify new employee hiring practices. Section C(5)(a) was deleted as these employee health screening requirements have been relocated within the regulation.

61-102.602. Personnel Records (formerly 61-102.C(5)(b))

Section 602 (formerly C(5)(b)) has been amended to update the requirements of personnel records and to adjust the codification.

61-102.603. Job Descriptions (formerly 61-102.C(5)(c))

Section 603 (formerly C(5)(c)) was amended to clarify the requirements of employee job descriptions and to adjust the codification.

61-102.604. Training and Orientation (formerly 61-102.C(5)(d)-(f))

New Section 604 consolidates various sections into one concise section delineating the requirements for training and orientation.

61-102.605. Emergency Transfer (formerly 61-102.C(6))

Section 605.A (formerly C(6)(a)) was amended to require the birthing center to develop and maintain policies and procedures for emergency transfer of mothers and newborns. Section 605.B (formerly C(6)(b)) was amended for consistency. Section 605.C (formerly C(6)(c)) was amended to require facilities to have a written policy in place to contacting and transferring mothers and newborns via EMS.

61-102.700. PATIENT RIGHTS (formerly 61-102.C(7))

Section 700.A (formerly C(7)(a)) was amended for grammar and to require that policies and procedures be developed by the administrator and appropriate staff. Section 700.B (formerly C(7)(b)) was amended to require facilities to inform patients in writing of the grievance procedure and to include the Department's contact information in the grievance procedure. Section 700.C was added to require the facility to post the patient rights, grievance procedure, and any other required information prominently in public areas of the facility.

61-102.800. POLICIES AND PROCEDURES (formerly 61-102.D(2))

Section 800.A was relocated from former Section D(2)(a) and clarifies informed consent requirements. Section 800.B was relocated from former Section D(2)(b). Section 800.C was relocated from former Section D(2)(c) and clarifies the duties and requirements of the infection control committee. Section 800.D was relocated from former Section D(2)(d) and amended for grammar and clarity. Section 800.E was relocated from former Section D(2)(e) and amends the requirements of newborn eye care. Section 800.F was added to require policies and procedures to address the development of sickle cell educational information to provide to parents, in accordance with S.C. Code Section 44-37-65.

61-102.900. CARE AND SERVICES

New section title added for clarity and organization.

61-102.901. Pharmaceutical Services (formerly 61-102.D(3))

Section 901.A was relocated from former Section D(3)(a). Section 901.B was relocated from former Section D(3)(b). Section 901.C (formerly D(3)(c)) was amended to require written prescriptions or orders signed by a legally authorized healthcare provider for all drugs administered within the facility. Section 901.D (formerly D(3)(d)) was amended to require administration of drugs by currently licensed staff only. Section 901.E (formerly D(3)(e)) was amended to require all drugs, medications, and chemicals maintained in the facility be clearly labeled. Section 901.F was relocated from former Section D(3)(f). Section 901.G (formerly D(3)(g)) was amended to require drugs and medications requiring refrigeration be stored in a secured refrigerator used exclusively for medications and drugs, or in a manner separate and secure from other drugs and medications within the refrigerator.

61-102.902. Laboratory Services (formerly 61-102.D(4))

Section 902 was relocated from former Section D(4) and requires facilities to have a written agreement with a certified clinical laboratory for testing as needed.

61-102.903. Limitations of Services (formerly 61-102.D(1))

Section 903 was relocated from former Section D(1) and amends the list of criteria that shall prohibit the mother and/or infant from receiving care in a birthing center.

61-102.1000. SUPPLIES AND EQUIPMENT (formerly 61-102.D(5))

Section 1000 (formerly D(5)) amends the equipment required in a birthing center. Section 1000.D (formerly D(5)(d)) was amended to add laryngeal mask airways. Section 1000.H (formerly D(5)(h)) was amended for grammar. Section 1000.I (formerly D(5)(i)) was amended to require sterile suturing equipment and supplies. Section 1000.J (formerly D(5)(j)) was amended to require an adjustable examination light. Section 1000.K (formerly D(5)(k)) was amended to require approved containers for soiled linens and waste materials. Section 1000.L (formerly D(5)(l)) was amended to require refrigeration unit(s). Section 1000.M (formerly D(5)(m)) was amended to require matching identification for mother and newborn for transfer to acute care hospital care. Section D(5)(n) was deleted as this requirement was incorporated above. The remaining sections were amended to adjust codification.

61-102.1100. CLINICAL STAFF (formerly 61-102.D(6))

Section 1100 (formerly D(6)) was renumbered to adjust codification.

61-102.1101. General

Section 1101.B (formerly D(6)(a)(1)) was amended to adjust codification and require a physician to make a written determination that the planned birth is low risk. Section 1101.C (formerly D(6)(a)(2)) was amended to adjust codification and require the birthing center to enter into a signed written agreement with an obstetrician and/or pediatrician to ensure their availability to the staff and mother at all times the birthing center is serving the public. Section 1101.C (formerly D(6)(a)(2)) further adds that the obstetrician and/or pediatrician shall have admitting privileges at a hospital located within a thirty (30) minute drive of the birthing center. Section 1101.E (formerly D(6)(a)(3)) requires at least one (1) clinical staff member or registered nurse be in the facility when a

38 PROPOSED REGULATIONS

patient is present and up to at least one (1) hour after each mother's delivery and further requires two (2) clinical staff members or one (1) clinical staff member and a registered nurse be present during the delivery.

61-102.1102. On-Call Physician

Section 1102 was added to require a physician to be on call and available to provide medical assistance at the birthing center at all times it is serving the public. Section 1102 further requires that the on-call physician be within a thirty (30) minute drive of the birthing center at all times he or she is on call.

61-102.1103. Midwifery Services

Section 1103.A was relocated from former Section D(6)(c). Section 1103.C (formerly D(6)(b)(1)) was amended for grammar and codification. Section 1103.C.1 (formerly D(6)(b)(1)(a)) was amended for grammar and codification. Section 1103.C.2 (formerly D(6)(b)(1)(b)) was amended for grammar and codification. Section 1103.C.3 (formerly D(6)(b)(1)(c)) was amended for grammar and codification. Section 1103.C.4 (formerly D(6)(b)(1)(d)) was amended for grammar and codification. Section 1103.C.5 (formerly D(6)(b)(1)(e)) was amended for grammar and codification.

61-102.1200. REPORTING

New Section 1200 was added to delineate the facility's reporting requirements.

61-102.1201. Accidents and/or Incidents

Section 1201.A 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 1201.A further provides a non-exhaustive list of accidents and/or incidents required to be reported. Section 1201.B 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 1201.C requires the facility to retain these reports for six (6) years.

61-102.1202. Fire and Disasters

Section 1202.A requires the facility to immediately notify the Department of any fire or natural disaster in the facility which jeopardizes patient safety. Section 1202.B requires the facility to submit a written report of any fire or natural disaster within five (5) days.

61-102.1203. Administrator Change

Section 1203 takes language from former Section C(3) and requires the facility to notify the Department in writing within ten (10) calendar days of any change in the administrator, including, at a minimum, the name of the newly-appointed administrator and the effective date of appointment.

61-102.1204. Facility Closure

Section 1204.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 1204.B was added to delineate the requirements of facilities temporarily closing.

61-102.1300. MEDICAL RECORDS (formerly 61-102.D(7))

Section 1300 (formerly D(7)) updates the requirements for medical records of the facility.

61-102.1301. General

Section 1301 was added to require the facility to maintain and store records for each mother and newborn in a manner that ensure confidentiality, security, and integrity of the information therein.

61-102.1302. Content

Section 1301.A delineates the required information in the mother’s record amending language from former Section D(7)(a). Section 1301.B delineates the required information in the records of newborns amending language from former Section D(7)(b).

61-102.1303. Record Maintenance

Section 1303.A (formerly D(7)(c)) was amended to require the facility to store and maintain records for at least six (6) years and further provides for the disposition of records of minors. Section 1303.B was relocated from former Section D(7)(e). Section 1303.C (formerly D(7)(f)) requires the facility to notify the Department within ten (10) days of closure of the arrangements for preservation of records. Section 1303.D was added to require that all records be accessible to the Department during an inspection or investigation.

61-102.1304. Records for Referral (formerly 61-102.D(7)(g))

Section 1304 (formerly D(7)(g)) was amended to require the facility to establish policies and procedures for transferring all patient and newborn records to the receiving healthcare provider upon discharge, transfer, or referral.

61-102.1400. EMERGENCY PROCEDURES AND DISASTER PREPAREDNESS

Section 1400 title was added for clarity.

61-102.1401. Disaster Preparedness (formerly 61-102.E(3))

Section 1401 (formerly E(3)(a)) was amended 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.

61-102.1402. 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.

61-102.1403. 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.

61-102.1500. INFECTION CONTROL AND ENVIRONMENT

Section 1500 (formerly F) title was amended for clarity.

61-102.1501. Staff Practices

Section 1501 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.

61-102.1502. Tuberculosis Risk Assessment

Section 1502.A was added to require facilities to conduct an annual tuberculosis risk assessment in accordance with CDC guidelines. Section 1502.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.

61-102.1503. Staff Tuberculosis Screening

Section 1503 takes language from former Section C(5)(a) and amends the requirements of tuberculosis screening for staff to comply with current CDC guidelines.

61-102.1504. Housekeeping (formerly 61-102.F(5))

Section 1504.A (formerly F(5)(a)) was amended to delineate the minimum requirements of housekeeping duties. Section 1504.B (formerly F(5)(c)) was amended to prohibit dry dusting and dry sweeping.

40 PROPOSED REGULATIONS

61-102.1505. Clean and Soiled Linen and Clothing

Section 1505 takes language from former Section F(3) and amends the requirements for linens and clothing. Section 1505.A delineates the requirements of clean linen and clothing relating to storage, supply, and transporting linens. Section 1505.B requires a soiled linen storage room and delineates the requirements for storage, transport, and handling of soiled linen and clothing.

61-102.1506. Contaminated Dressings and Pathological Waste (formerly 61-102.F(4)(b))

Section 1506.A requires disposal of all contaminated dressings, pathological, and other similar waste by incineration or other approved means. Section 1506.B allows for disposal of dressings and contaminated wastes in patient rooms only under certain conditions.

61-102.1507. Refuse Disposal (formerly 61-102.F(6))

Section 1507.A requires the facility to deposit all garbage and refuse in suitable watertight containers in accordance with local requirements. Section 1507.B requires that the facility cover and store refuse containers outside, secure containers in such a manner as to prevent the creation of a nuisance, and thoroughly clean garbage and trash containers as necessary.

61-102.1508. Cleaning and Use of Equipment and Supplies

Section 1508 was added to require disinfection or sterilization of medical equipment coming into contact with patients after each use. Section 1508 further provides for the utilization of disposable materials and equipment so long as certain requirements are followed.

61-102.1600. FIRE PREVENTION

Section 1600 was added to delineate fire prevention requirements.

61-102.1601. Arrangements for Fire Department Response and Protection

Section 1601.A was added to require that the facility develop a written plan to be followed in the event of fire and other emergencies. Section 1601.B requires the facility to meet all requirements of the South Carolina State Fire Marshal with respect to fire prevention and safety. Section 1601.C delineates the requirements of fire protection for facilities located outside of a service area or range of a public fire department.

61-102.1602. Fire Response Training

Section 1602.A requires that specific fire response training be provided to each employee of the facility within twenty-four (24) hours of hire and annually thereafter. Section 1602.B requires the facility to maintain records of fire response training.

61-102.1603. Fire Drills

Section 1603.A requires the facility to conduct a fire drill for each shift at least once every three (3) months. Section 1603.B requires the facility to maintain records of fire drills. Section 1603.C delineates the specific requirements of fire drills.

61-102.1700. DESIGN AND CONSTRUCTION (formerly 61-102.H)

Section 1700 (formerly H) was amended to adjust codification.

61-102.1701. General (formerly 61-102.H(1))

Section 1701 (formerly H(1)) 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 patient and designed in such a manner that all patients have access to required services.

61-102.1702. Codes and Standards (formerly 61-102.H(2))

Section 1702 (formerly H(2)) 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.

61-102.1703. Submission of Plans (formerly 61-102.H(3))

Section 1703.A (formerly H(3)(a)) was amended to delineate specific requirements of plans and specifications. Section 1703.B (formerly H(3)(b)) prescribes the requirements of plans and specifications to be submitted to the Department for new construction or projects. Section 1703.C (formerly H(3)(c)) requires that all subsequent addenda, change orders, field orders, and documents altering the Department review be submitted. Section 1703.D (formerly H(3)(d)) requires the facility to maintain documentation and certification for all cosmetic changes utilizing paint, wall covering, floor covering, or otherwise. Section 1703.E (formerly H(3)(e)) requires any construction work which violates codes or standards to be brought into compliance.

61-102.1800. HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) (formerly 61-102.H(7)(f))

Section 1800.A (formerly H(7)(f)) was amended to prohibit a facility from installing a supply or return grille within three (3) feet of a smoke detector. Section 1800.B (formerly H(7)(f)(1)) was amended to prohibit the installation of HVAC grilles in floors. Section 1800.C (formerly H(7)(f)(2)) was amended to require that return air ducts be filtered and discharged in a manner that would not be an irritant to patients, staff, or visitors. Section 1800.D (formerly H(7)(g)) was amended to require that each shower, bath, and restroom be equipped with either operable windows or approved mechanical ventilation.

61-102.1900. FIRE PROTECTION EQUIPMENT AND SYSTEMS (formerly 61-102.I)

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

61-102.1901. Fire Alarms and Sprinklers

Section 1901.A (formerly I(1)) 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 1901.B (formerly I(2)) was amended to require that firefighting equipment be provided as required by the applicable codes.

61-102.1902. Emergency Generator Service (formerly 61-102.J)

Section 1902.A (formerly J(1)) requires facilities with emergency generator service to provide certification that construction and installation complies with applicable codes. Section 1902.B (formerly J(2)) delineates the requirements of the emergency generator service distribution system.

61-102.2000. PREVENTATIVE MAINTENANCE (formerly 61-102.E(2))

Section 2000 (formerly E(2)) was amended to require that the facility keep the structure and all associated components and equipment in good repair and operating condition. Section 2000 further requires code compliance and requires that repairs and replacements be documented and retained by the facility.

61-102.2100. EQUIPMENT AND SYSTEMS

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

61-102.2101. Gases (formerly 61-102.I(3))

Section 2101.A (formerly I(3)) was amended to reference to applicable code for handling and storing gases. Section 2101.B was added to delineate the requirements of “No Smoking” signs in the facility.

61-102.2102. 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.

42 PROPOSED REGULATIONS

61-102.2200. WATER SUPPLY, HYGIENE, AND TEMPERATURE CONTROL (formerly 61-102.H(8))

Section 2200.A requires that the facility provide hot water from fixtures accessible to patients. Section 2200.B delineates capacity requirements of hot water heaters. Section 2200.C delineates the requirements of hot water for washing linens.

61-102.2300. ELECTRICAL

Section 2300 was added to prescribe electrical requirements for facilities.

61-102.2301. General

Section 2301 requires 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.

61-102.2302. Panelboards

Section 2302 requires that the facility label the panelboard to conform to room numbers and/or designations.

61-102.2400. PHYSICAL PLANT

New Section 2400 title was added for clarity.

61-102.2401. Birthing Rooms

Section 2401.A was relocated from former Section H(7)(a). Section 2401.B was relocated from former Section H(7)(b). Section 2401.C was relocated from former Section H(7)(c).

61-102.2402. Bathrooms and Restrooms

Section 2402.A was relocated from former Section H(7)(d)(1). Section 2402.B was relocated from former Section H(7)(d)(2).

61-102.2403. Doors (formerly 61-102.H(7)(e))

Section 2403 (formerly H(7)(e)) was amended to require that doors providing access into the birthing center and birthing room(s) be in accordance with applicable codes.

61-102.2404. Janitor's Closet (formerly 61-102.H(7)(j))

Section 2404 (formerly H(7)(j)) was amended to require the facility to have a sufficient number of janitor's closets to maintain a clean and sanitary environment and to require that each janitor's closet be equipped with a mop sink or receptor and space for the storage of supplies and equipment.

61-102.2405. Storage Areas

Section 2405.A was added to require that the facility provide adequate general storage areas for patient and staff belongings, equipment, and supplies. Section 2405.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.

61-102.2406. Telephone Service

Section 2406.A requires at least one (1) landline telephone on each floor of the facility for use by patients and/or visitors. Section 2406.B (formerly H(6)(d)) was amended to require a landline telephone on each floor of the facility for staff members to conduct routine business or summon assistance in the event of an emergency.

61-102.2407. Location (formerly 61-102.H(6))

Section 2407.A was relocated from former Section H(6)(a). Section 2407.B was relocated from former Section H(6)(b) and amended to add emergency vehicles and personnel. Section 2407.C was relocated from former Section H(6)(c) and amended to clarify parking requirements.

61-102.2500. SEVERABILITY

Section 61-102.2500 was added to allow the regulation to remain valid should it be determined that a portion of the regulation be invalid or unenforceable.

61-102.2600. GENERAL (formerly 61-102.K)

Section 2600 (formerly K) 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 October 8, 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 September 28, 2015, the close of the public comment period. Written comments received by the deadline, September 28, 2015, shall be considered by the Department in formulating the final proposed regulation for public hearing on October 8, 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.61-102.

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.61-102, *Standards for Licensing Birthing Centers for Deliveries by Midwives.*

44 PROPOSED REGULATIONS

Purpose: The purpose of these amendments to R.61-102 is to clarify standards pertaining to Birthing Centers for Deliveries by Midwives. These proposed amendments provide updates to the definitions, licensure requirements, accident and/or incident reporting requirements, on-call physician availability, medical record maintenance, patient care, services and treatment, emergency procedures and disaster preparedness, infection control and sanitation, medication administration, 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 Sections 44-7-260 and 44-89-60.

Plan for Implementation: Upon approval by the General Assembly and publication in the *State Register* as a final regulation, a copy of R.61-102, which includes these latest amendments, will be available electronically on the Department's Laws and Regulations website under the Health Regulations 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:

The Department promulgated R.61-102 in 1991. 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 61-102 has not been substantively updated since its promulgation in 1991. Therefore, many of the procedures, practices, and terms are outdated and/or no longer applicable. The amendments further clarify and improve reporting requirements, on-call physician availability, patient care, services and treatment, medical record maintenance, infection control and sanitation, emergency procedures and disaster preparedness, and medication administration. 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.61-102 improve patient rights and assurances, patient 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.61-102 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.61-102, *Standards for Licensing Birthing Centers for Deliveries by Midwives*. The amendments update R.61-102 to align with current practices, procedures, and nomenclature. The amendments address issues regarding licensure requirements, on-call physician availability, emergency procedures and disaster preparedness planning, accident and/or incident reporting ambiguities, 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. 4580

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

Statutory Authority: 1976 Code Section 44-63-10 et seq.

61-19. Vital Statistics.

Preamble:

The Department proposes to substantially amend Regulation 61-19, *Vital Statistics*. Sections 1-42 of Regulation 61-19 will be revised and replaced in its entirety. The Fees Section, Section 43, of this Regulation is not being changed except for codification consistency. These amendments seek to improve the quality, security and fraud prevention, protection of confidential information and uniformity of state data by implementing standard reporting requirements, and definitions and procedures for registering vital events as described in the 2011 Model State Vital Statistics Act and Regulations issued by the Centers for Disease Control and Prevention (CDC) National Center for Health Statistics (NCHS). The National Association of Public Health Statistics and Information Systems has also endorsed the Model Act and Regulations. Registration and certification of vital events is a responsibility of individual States, but States and the CDC NCHS cooperate and work together to build and maintain a national vital records system. Also, other changes are being made to improve the overall quality of the regulation to meet Legislative Council guidelines for drafting the text of regulations.

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

Section-by-Section Discussion of Proposed Amendments:

The statutory authority citation added 1976 and the section symbol was replaced in text form to meet Legislative Council guidelines for drafting text of regulations.

The existing Regulation 61-19 Sections 1 – 42 have been substantively changed and substantially reorganized. Therefore, the entire existing regulation will be replaced with the exception of Section 43 Fees. The Fees Section will remain the same except the outline/codification will be changed.

TABLE OF CONTENTS

The table was extensively revised to reflect the proposed amendments.

46 PROPOSED REGULATIONS

61-19.100 Definitions

Numerous definitions were added to define terminology in the proposed amendments. Remaining definitions were renumbered to adjust the codification.

61-19.201 General (System of Vital Statistics)

Section outlines the organization of the system of vital statistics and the authority of the State Registrar.

61-19.301 General (Security and Confidentiality of System of Vital Statistics)

Section requires all users of the system to follow security procedures and allow validation by the Department of information submitted.

61-19.302 Preservation of Vital Records and Vital Reports (formerly 61-19 Section 38)

Section language amended to utilize current terminology with the addition of allowance for the disposal of records as provided by in established retention schedules.

61-19.303 Confidentiality

Section protects and restricts all documents and data in vital records and vital reports and related documents. Specifically prohibits access or release for commercial purposes.

61-19.304 Disclosure of Information from Vital Records or Reports for Health Research

Section outlines requirements for and utilization of a data release protocol to be developed by the Department.

61-19.401 Forms, Records, Reports, Electronic Data Files

Section makes minor modifications from a similar section in former regulation and adds allowance for the transfer of information from electronic health records.

61-19.402 Requirements for Preparation of Records and Reports

Section requires training of individuals submitting or certifying a vital event. Also restricts use of ink for signatures and hand printed reports to black ink where as former regulations only specified dark ink.

61-19.403 Person Required to Retain Documentation

Section adds requirements for the retention of documentation of the information and the source used in the reporting of vital events. Also, requires documentation be maintained about the disposition of human remains. Documentation must be maintained for not less than ten years.

61-19.404 Duties to Furnish Information

Persons with information about the facts required in the reporting of vital events must provide information upon request of the State Registrar or within five days of receiving the information. Section also requires findings from autopsy or other sources be submitted within five days of receipt of such information.

61-19.405 Content of Vital Records and Vital Reports

Section requires uniformity with the minimum items on reports of vital events as recommended by the National Center for Health Statistics. The requirement for approval by the Board to create or modify a form used in the reporting of a vital event was deleted from former regulations.

61-19.501 General (Live Birth Registration)

Section substantively revised to provide a time frame for the transfer of prenatal care information to the institution reporting the live birth. Criteria for the determination of maternity for purposes of reports of live birth were added. The responsible party priority order for filing reports of live births that occur out of institutions was modified to remove the father and to add the Coroner for cases where investigation required.

61-19.502 Out-of-Institution Live Birth

Section specifies the documentary evidence required for a mother to report an unattended out of institution home birth.

61-19.503 Infants of Unknown Parentage; Foundling Registration

Section limits the reporting of a birth by an institution for infants of unknown parentage to infants up to 30 days of age. Infants of unknown parentage over 30 days of age will require a court order to establish a report of live birth.

61-19.601 General (Delayed Registration of Births)

Section revised to provide consistency in requirements and format for the filing of a delayed birth record.

61-19.602 Documentary Evidence Requirements

Section revised to provide consistency in the documentary evidence requirements for filing a delayed birth record. Eliminates the difference in number of documents required based on the age of the person filing.

61-19.603 Documentary Evidence Acceptability

Section adds additional criteria in order for the documentary evidence to be acceptable for supporting the facts of birth to be established. Documentary evidence must be from independent sources and not contradictory.

61-19.604 Abstraction of Documentary Evidence

Section retains information to be abstracted from the documentary evidence submitted but adds the requirement that a copy of acceptable documentary evidence be retained by the Department.

61-19.605 Verification by the State Registrar

Section modifies some of the language in former regulation but does not alter the content meaning.

61-19.606 Dismissal after One Year

Section renumbered with minimal changes to language but no substantive changes from former regulation.

61-19.607 Delayed Birth Records Amended by Court Order

Section adds requirement for a delayed birth record to remain in delayed format and for any legal amendment to be clearly indicated on the record and any certification issued.

61-19.701 General (Death Registration)

Section eliminates the filing of reports in the county of death so that all reports will be filed electronically to improve timeliness and data quality. The requirement for utilizing information gathering procedures provided and approved by the State Registrar has been added. The registration of deaths not filed in a timely manner has been modified to mandate a court order when the funeral director and medical certifier are unavailable or unwilling to complete a report of death.

61-19.702 Judicial Procedures to Register a Death

Section adds the procedures and information needed to register a death record by a court order.

61-19.801 General (Fetal Death Registration)

Section makes minor change to criteria for reporting a fetal death so as to be consistent with the National Center for Health Statistics criteria and reporting definition. The limitation for including the name of the father on the report of fetal death is removed from this section. The requirement for utilizing information gathering procedures provided and approved by the State Registrar has been added to be consistent with the report of live birth and report of death.

48 PROPOSED REGULATIONS

61-19.901 Permits Governing the Disposal or Transportation of Dead Human Bodies

Section incorporates electronic processes for issuance and filing of reports with the Department and clarifies the responsibilities of all involved parties.

61-19.902 Removal of Body

Section requires the funeral director or person acting as such to assure death is from natural causes and to obtain authorization of the Coroner prior to removal of a body.

61-19.903 Authorization for Disinterment and Reinterment

Section requires a permit signed by the next of kin and authorization by the Department prior to the disinterment of any body except upon order of a court of competent jurisdiction. Content of section is consistent with former regulation.

61-19.904 Disposition of Body or Fetus by Hospital Officials Authorized by Next of Kin

Section mandates hospitals to obtain a burial removal transit permit and file the report of death or fetal death in all situations where they dispose of the body or fetus. Content of section is consistent with former regulation.

61-19.1001 General (Reports of Induced Termination of Pregnancy)

Section mandates reporting of induced terminations of pregnancy regardless of length of gestation and whether performed in or outside an institution. The reports are statistical reports and only to be used for public health purposes.

61-19.1101 General (Correction and Amendment of Vital Records)

Section clarifies the allowable reasons and processes for amendments to vital records.

61-19.1102 Correction of Birth and Death Records

Section specifies when corrections of data entry errors and minor mistakes made in the filing of birth and death records can be made by the Department without amendment having to be marked on the record.

61-19.1103 Administrative Amendment of Vital Records

Section provides procedures for amending records using documentary evidence and an affidavit of an entitled person. The specific types of amendments are included in the definitions and further specifications are included in this section.

61-19.1104 Documentary Evidence Required to Amend or Correct Vital Records

Section specifies the information that must be included, the sources, age and types of documents that are acceptable to support an amendment to a vital record.

61-19.1105 Addition of Registrant's First or Middle Names on Live Birth Records

Section provides procedure whereby parents can add a first or middle name prior to the first birthday. After the first birthday, a legal change of name would be required after first birthday. Administrative process for changing name up to seventh birthday has been deleted.

61-19.1106 Date of Birth Amendments to Live Birth Records

Section adds specific instructions and procedures for amending the date of birth on a birth record and provides limitations to when date of birth can be changed.

61-19.1107 Amendments to Death Records

Section provides specific criteria for when the marital status can be changed on a death record without a court order. Other changes to a death record must be supported with acceptable documentary evidence. Signatures cannot be amended.

61-19.1108 Amendment of the Same Item More than Once

Section allows an amendment to be completed administratively only one time for each item on a record except for the cause and manner of death or clerical error by the Department. Content is similar to former regulation.

61-19.1109 Sealed Amendments and Replacement Records of Live Birth

Section prescribes the preparation of sealed files pursuant to state law and restricts access to such files except upon order of the Family Court. Content of this section is consistent with former regulation.

61-19.1110 Amendments by Court Order

Section specifies requirements for amending a birth or death record upon receipt of a certified copy of a court order and requires amendment to be marked on record and any certified copies of the record issued.

61-19.1201 General (Certifications from the System of Vital Statistics)

Section defines the requirements for applications, proof of identity and evidence of entitlement before any certification of a vital event can be issued. Government agencies are allowed to request a verification of facts contained in a vital record including through an electronic system approved by the Department.

Notice of DHEC Staff Informational Forum and Public Comment Period:

The Department of Health and Environmental Control invites the public and regulated community to attend a staff-conducted informational forum to be held on September 24, 2015, at 9:30 a.m. in Peebles Auditorium, Third floor of the Sims Building at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to expand opportunity for interested persons to contribute input on the proposed amendments of Regulation 61-19.

Interested persons may also submit written comments on the proposed regulations by writing to Dr. Shae Sutton at Public Health Statistics and Information Services, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; or by email at vrreg@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 28, 2015, the close of the public comment period. Comments received at the forum and/or submitted in writing by the close of the comment period on September 28, 2015, shall be considered by staff in formulating the final proposed regulations for public hearing on November 12, 2015, as noticed below. Comments received shall be included in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control's consideration at the public hearing.

Copies of the proposed amendments for public comment as published in the State Register on August 28, 2015, may be obtained online in the *DHEC Regulation Development Update* at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. In the *Update*, click on the Vital Statistics category for the proposed amendment of Regulation 61-19. A copy can also be obtained by contacting Dr. Shae Sutton at the above address or by email at vrreg@dhec.sc.gov.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral and/or written comments on the proposed amendments of Regulation 61-19 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on November 12, 2015. The Board will conduct the public hearing in the Board Room, Third floor, Aycok 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>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as

50 PROPOSED REGULATIONS

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.

Preliminary Fiscal Impact Statement:

The proposed amendments have no substantial fiscal or economic impact on the State or its political subdivisions. 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:

DESCRIPTION OF REGULATION:

Purpose: The proposed amendments to Regulation 61-19, Vital Statistics, make substantive changes to the reporting of vital events, strengthens the confidentiality and security of the system of vital records in S.C., updates terminology and increased uniformity with the national model law and regulations for reporting and certifying vital events.

Legal Authority: The legal authority for Regulation 61-19 is 1976 Code Section 44-63-10 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*. An electronic copy of Regulation 61-19, which includes these latest amendments, will be published on the Department's Regulation Development website at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations>. At this site, click on the Vital Statistics category. Subsequently, this regulation will 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 DHEC Freedom of Information Office. The Department will also send an email to stakeholders and affected facilities and to other interested parties.

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

The Department last updated Regulation 61-19 on June 28, 2002. Regulation 61-19 has not been updated since the Vital Statistics system in SC underwent reengineering to utilize electronic filing of vital reports. Therefore, some of the procedures are outdated and/or are no longer applicable. The amendments further improve security and fraud prevention and the protection of confidential information. Amendments are also needed to maintain uniformity in definitions and registration of vital events with the national system of vital statistics.

The above amendments are reasonable to realize the above benefits because they provide an efficient procedure without any anticipated cost increase, provide clear standards and criteria for the regulated community, and support Department goals.

DETERMINATION OF COSTS AND BENEFITS:

This program is funded by the collection of fees for making certified copies of vital records and filing a record amendment in accordance with 1976 Code Section 44-63-110 and these regulations. The Code requires that the amount of the fees be established by the DHEC Board. The fee schedule is not being amended at this time except to recodify that section of the regulation to be consistent with the amended sections.

Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or state government or for the regulated community.

See Preliminary Fiscal Impact Statement for cost to the State and its political subdivisions.

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:

The proposed amendments to Regulation 61-19 seek to support the Department's goals relating to the protection of public health through the anticipated benefits as stated 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 associated with these amendments. If the revision is not implemented, the regulation will be maintained in its current form without realizing the benefits of the amendment herein.

Statement of Rationale:

The Department proposes to amend sections 1 - 42 of Regulation 61-19, *Vital Statistics*, to improve the quality, security and fraud prevention, protection of confidential information and uniformity of state data by implementing standard reporting requirements, and definitions and procedures for registering vital events as described in the 2011 Model State Vital Statistics Act and Regulations issued by the Centers for Disease Control and Prevention (CDC) National Center for Health Statistics (NCHS). The National Association of Public Health Statistics and Information Systems has also endorsed the Model Act and Regulations. Registration and certification of vital events is a responsibility of individual States, but States and the CDC NCHS cooperate and work together to build and maintain a national vital records system. Section 43, Fees, is not being amended; only the outline designation is changed. Other revisions were made to improve the overall quality of the regulation pursuant to Legislative Council guidelines for drafting regulations.

Text:

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

Document No. 4581

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 43-9-510

61-94. WIC Vendors.

Preamble:

The Department of Health and Environmental Control ("Department") proposes amending R.61-94, *WIC Vendors*. These amendments include provisions included in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L.108-265) and the interim rule published by the USDA, Food and Nutrition Services in the Federal Register that revised the WIC food packages. The interim rule also contained WIC vendor provisions and amendments to ensure adequate and appropriate monitoring of the Program's food delivery system. Stylistic changes are also proposed.

52 PROPOSED REGULATIONS

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

See Statements of Need and Reasonableness and Rationale herein.

Section-by-Section Discussion:

The statutory authority for this regulation is added under the title of the Regulation.

TABLE OF CONTENTS:

The table was revised to reflect the proposed amendments.

61-94.101. Definitions

Section 61-94.101(C) - Amended to update the Federal name of the program.

Section 61-94.101(D) - Amended to update the State name of the program.

Section 61-94.101(F) - Amended to remove food as part of a store's title.

61-94.201. Approval of Vendors

Section 61-94.201(B)(1) - Amended to add that a vendor can request an application by phone.

Section 61-94.201(B)(2) - Amended to include the documents that are included in the vendor application packet.

Section 61-94.201(B)(3) - Amended to state that all WIC vendors must be authorized to accept SNAP, with the exception of pharmacies.

Section 61-94.201(B)(4) - Deleted

Section 61-94.201(B)(4) - New 61-94.201(B)(4) and re-numbered 61-94.201(B)(4) – 61-94.201(B)(17). Amended to ensure that an employee of a store shall not handle a WIC transaction if that employee is also employed by the WIC Program.

Section 61-94.201(B)(6) - New #61-94.201(B)(5) - Amended to state that a WIC vendor applicant must pass a pre-approval visit before authorization.

Section 61-94.201(B)(5) – Re-numbered 61-94.201(B)(9) to 61-94.201(B)(5)

Section 61-94.201(B)(7) - Deleted

Section 61-94.201(B)(8) - Deleted

Section 61-94.201(B)(10) - New # 61-94.201(B)(7) – Amended to update terminology.

Section 61-94.201(B)(11) - New # 61-94.201(B)(8)

Section 61-94.201(B)(12) - New # 61-94.201(B)(9) – Amended to add store type by Region.

Section 61-94.201(B)(13) – New # 61-94.201(B)(10) – Amended to update terminology.

Section 61-94.201(B)(14) – New # 61-94.201(B)(11) – Amended to update terminology.

Section 61-94.201(B)(15) - New # 61-94.201(B)(12) – Added to require South Carolina location.

Section 61-94.201 (B)(16) - New # 61-94.201(B)(13) – Added to require business hours of operations (as stated in the Vendor agreement).

Section 61-94.201(B)(17) - New # 61-94.201(B)(14) – Amended to add language that a vendor or its management cannot have any convictions or civil judgments that indicate a lack of business integrity.

Section 61-94.201(B) - Added # 61-94.201(B)15(i)-(xv) - Amended to update/revise the list of allowable foods that are authorized for the WIC Program.

This section was re-numbered to adjust the codification.

Section 61-94.201(C)(1) – Amended to update the name of the program.

Section 61-94.201(C) – Added # 61-94.201(C)(4) that includes the requirement that a store must complete and submit a price survey twice a year.

61-94.301. Redemption of Food Instruments

Section 61-94.301(A) – Amended to state that a vendor can only provide foods as specified in the WIC Food Guide.

Section 61-94.301(E) – Amended to clarify that a manual food instrument should not be accepted without a program stamp.

Section 61-94.301(G) – Deleted

Section 61-94.301(J)(1) – Amended to delete trading stamps as a promotional item.

61-94.401. Submitting Food Instruments for Payment

Section 61-94.401(A) – Revised the method in which the vendor receives payment for food instruments redeemed.

Section 61-94.401(B) – Amended to clarify when the vendor must stamp the food instrument.

Section 61-94.401(C) - Deleted

61-94.501. Payment of Food Instruments

Section 61-94.501(A) - Revised the language on the rejection of food instruments when improperly redeemed by the vendor.

Section 61-94.501(A)(1) – Revised to add clarifying language.

Section 61-94.501(A)(2) – Revised to add clarifying language

Section 61-94.501(A)(3) – Revised for clarity.

Section 61-94.501(A)(4) - Revised to add clarifying language.

Section 61-94.501(A)(7) – Revised to update the language.

Section 61-94.501(A)(8) – Deleted

Section 61-94.501(A)(10) – Deleted

Section 61-94.501(A) - New # 61-94.501(A)(10) - Amended to add an item that states that food instruments deposited more than thirty days after the “Void After” date will be rejected.

Section 61-94.501– Amended to add items 61-94.501(B) through 61-94.501(E) to provide the policy on when a claim against a vendor can be established.

61-94.601. Correction of Rejected Food Instruments

Section 61-94.601(A) - Revised to delete unnecessary language

Section 61-94.601(B) – Revised to add clarifying language

61-94.701. Monitoring of Vendors

Section 61-94.701(A) – Revised to delete unnecessary language.

Section 61-94.701(B) – Revised for clarity.

61-94.801. Disqualifications

61-94.801. Amended section title to read “Disqualifications and Sanctions”

Section 61-94.801 – This section was amended to include the mandatory vendor sanctions as stipulated by federal regulations.

Section 61-94.801(B) – 61-94.801(F) – statements deleted

Section 61-94.801 – Added new areas numbered 61-94.801(B) – 61-94.801(E) that lists additional reasons for vendor sanctions and disqualifications.

54 PROPOSED REGULATIONS

61-94.901. Program Violations

Section 61-94.901 Revised to delete repetitive language.

Section 61-94.901(1) – Deleted re-numbered 61-94.901(1) - 61-94.901(3)

Section 61-94.901(2) - Changed to # 61-94.901(1)(i) – 61-94.901(1)(vii) – Revised to update the point value for violations.

Section 61-94.901(3) - Changed to # 61-94.901(2)(i) – 61-94.901(2)(ix) – Revised to update the violations and add clarifying language.

Section 61-94.901(4) – This section has been revised and moved to section 61-94.801.

61-94.1001. Administrative Appeals

Section 61-94.1001 – Revised to update the appeals process.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral and/or written comments on the proposed amendments of R.61-94 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on November 12, 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 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 regulations by writing to Berry Kelly, Director, Division of WIC Services, South Carolina Department of Health and Environmental Control, 2100 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-0743; or by e-mail at kellybb@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 28, 2015, the close of the public comment period. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control's consideration at the public hearing.

Copies of the proposed amendments for public comment as published in the *State Register* on August 28, 2015 may be obtained on the Department's Regulatory Information Internet Site in the DHEC Regulation Development Update at [http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopment Update](http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate). Click on Maternal and Child Health topic and scan down for a copy of the proposed amendments of R.61-94. A copy can also be obtained by contacting Berry Kelly at the above address or by email at kellybb@dhec.sc.gov.

Preliminary Fiscal Impact Statement:

The proposed regulations will have no substantial fiscal or economic impact on the State. 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:

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

DESCRIPTION OF REGULATION:

Purpose: The proposed amendments to R.61-94, *WIC Vendors* includes provisions included in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L.108-265) and the interim rule published by the USDA, Food and Nutrition Services in the Federal Register that revised the WIC food packages. The interim rule also contained WIC vendor provisions and amendments to ensure adequate and appropriate monitoring of the Program’s food delivery system. Stylistic changes will be made, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation.

Legal Authority: The legal authority for R.61-94 is S.C. Code Section 43-5-910.

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly, and publication in the *State Register*. This revised regulation, to include these latest amendments, will be published on the Department’s Laws and Regulations website under the Maternal and Child Health category and on the S.C. Legislature Online website in the S.C. Code of Regulations. Printed copies will be made available at cost by request through the DHEC Freedom of Information Office.

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

The proposed amendments are needed to realize the following anticipated benefits:

1. The amendments update R.61-94 to include provisions in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) that require the establishment of a vendor peer group system, distinct peer competitive price criteria, allowable reimbursement levels for each peer group and other vendor related provisions to ensure program integrity.
2. The amendments include revisions to the WIC food packages as published in the interim rule by the USDA, Food and Nutrition Services in the Federal Register. The revisions align the WIC food packages with the Dietary Guidelines for Americans and infant feeding practice guidelines of the American Academy of Pediatrics.
3. The Department proposes vendor related amendments. The vendor provisions and amendments will be implemented to ensure adequate and appropriate monitoring of the Program’s food delivery system to prevent fraud, waste and abuse from occurring and to safeguard program benefits.

The above amendments are reasonable to realize the above benefits because they provide an efficient procedure without any anticipated cost increase, provide clear standards and criteria for the regulated community.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated cost increases to the State or its political subdivisions in complying with these proposed amendments. Amendments to R.61-94 will benefit the regulated community and the general public by implementing provisions to ensure program integrity. Participants served by the Program will benefit from these amendments by the provision of more nutritious foods.

The amendments also include corrections or clarity and readability and make technical corrections to ensure consistency with existing federal regulations.

56 PROPOSED REGULATIONS

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The changes are not anticipated to have any negative effect on the environment or public health.

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

There is no anticipated detrimental effect on the environment or public health associated with these amendments.

Statement of Rationale:

The Department proposes amending R.61-94, *WIC Vendors*, as a result of vendor related provisions included in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) and an interim rule, published by the United States Department of Agriculture, Food and Nutrition Services in the Federal Register on December 6, 2007, revising the WIC food packages. The vendor related amendments of this interim rule were implemented to prevent fraud, waste and abuse of program benefits. The amendments will also include stylistic 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. 4575

DEPARTMENT OF REVENUE

CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

117-307.1. Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities.

Preamble:

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

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

The purpose of this regulation proposal is to revise the provisions of SC Regulation 117-307.1 to comply with Act 172 of 2014, which limited the sales tax on additional guest charges to room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms, and to inform the public of the impact of the new legislation. Additional questions were added to address room refreshment bars, safes, and

other issues. The information in the regulation is consistent with the department's position, as expressed in SC Revenue Ruling #14-5. The amendment would be effective July 1, 2014, which is the effective date of the new legislation.

Section-by-Section Discussion:

From 117-307.1. Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities – 1.Q. No Changes

1.A. Delete third sentence as unnecessary. No other changes.

2.Q.-5.Q. No changes.

5.A. Change second sentence for clarity. No other changes.

6.Q. No changes.

6.A. Change second sentence for clarity. No other changes.

7.Q. No changes

7.A. Change third sentence for clarity. No other changes.

8.Q. No changes.

8.A. Change in response to amendments made in 2014 to Code Section 12-36-920.

9.Q. No changes.

9.A. Change third sentence to improve punctuation. Change fourth and fifth sentences in response to amendments made in 2014 to Code Section 12-36-920.

From In-room Movies - 10.Q. No changes.

10.A. Delete third sentence as unnecessary. No other changes.

11.Q.-14.Q. No changes.

14.A. Change first sentence to insert missing word. No other changes.

From Linens – 16.Q. No changes.

16.A. First paragraph. Change first sentence for clarity. No other changes.

Second paragraph. Change for clarity.

Third paragraph. No changes.

Fourth paragraph. Change second and third sentences to improve punctuation. No other changes.

Fifth paragraph. Change second sentence to insert missing word. No other changes.

Sixth paragraph. No changes to first and second sentences. Change third through seventh sentences in response to amendments made in 2014 to Code Section 12-36-920.

From Seventh paragraph – 17.Q. No changes.

17.A. Amend third sentence and separate into two sentences for clarity. No other changes.

18.Q. No changes.

18.A. Amend second sentence for clarity. No other changes.

From Newspapers - 19.Q. No changes.

19.A. Delete second sentence as unnecessary.

20.Q. No changes.

20.A. Change in response to amendments made in 2014 to Code Section 12-36-920.

From Valet Parking - 22.Q. No changes.

22.A. Change in response to amendments made in 2014 to Code Section 12-36-920.

23.Q. No changes.

23.A. Delete second and third sentences as unnecessary.

From Meeting Rooms - 26.A. No changes.

Other Services. Change heading for specificity.

27.Q.-28.A. No changes.

Add new category (Safes) with three questions and answers (29.Q.-31.A.).

Add new category (Other Charges) with five questions and answers (32.Q.-36.A.).

29.Q. Renumber as 37.Q. No other changes.

29.A. Change Question #30 in third sentence to Question #38. No other changes.

30.Q. Renumber as 38.A. No other changes

30.A. First paragraph. No changes.

58 PROPOSED REGULATIONS

Second paragraph. Change Quesiton #29 in first sentence to Question #37. No other changes.

Third paragraph. Revise second sentence. No other changes.

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

Notice of Public Hearing and Opportunity for Public Comment:

All comments concerning this proposal should be mailed to the following address by 5:00 p.m. on Monday, September 28, 2015: S.C. Department of Revenue, Legislative Services - Mr. Meredith Cleland, P.O. Box 125, Columbia, South Carolina 29214.

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building (Suite 224) on the Capitol Complex (1205 Pendleton Street) in Columbia, South Carolina for Tuesday, October 26, 2015 at 12:00 noon if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the Department to amend SC Regulation 117-307.1 concerning the sales tax on accommodations and "additional guest charges". The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. Section 1-23-111 (2005), to issue a report that the proposal to amend the regulation is needed and reasonable.

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: For 117-307.1. Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities.

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

Legal Authority: Code Section 12-4-320.

Plan for Implementation: After approval by the General Assembly and publication in the State Register, the regulation would be effective on July 1, 2014, the effective date of Act 172 of 2014.

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

The proposal to amend SC Regulation 117-307.1 is needed to ensure that the information provided to the public is consistent with the law. The proposal to amend this regulation is also reasonable in that it is the department's responsibility to maintain regulations that are up-to-date and consistent with the law.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of these regulations will not have an impact on state or local political subdivisions expenditures. Promulgation of these regulations will benefit the State and taxpayers by reducing taxpayer confusion that may result from having a published regulation that is in conflict with the law

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The purpose of this proposal is to amend the examples in SC Regulation 117-307.1 to exempt charges for (1) amenities, (2) entertainment, (3) special items in promotional tourist packages, and (4) other guest services from additional guest charges subject to sales tax in a manner consistent with changes made to Code Section 12-36-920 in 2014.

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. 4576
DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320

117-307. Hotels, Motels, and Similar Facilities.

Preamble:

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

Section-by-Section Discussion:

117-307.7. The Application of Tax to Hurricane Rental Insurance Charges Imposed by Hotels, Motels, and Other Facilities.

New Text.

60 PROPOSED REGULATIONS

Clarifies the application of the sales and use tax to optional and mandatory hurricane rental insurance.

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

Notice of Public Hearing and Opportunity for Public Comment:

All comments concerning this proposal should be mailed to the following address by 5:00 p.m. on Monday, September 28, 2015: S.C. Department of Revenue, Legislative Services - Mr. Meredith Cleland, P.O. Box 125, Columbia, South Carolina 29214.

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building (Suite 224) on the Capitol Complex (1205 Pendleton Street) in Columbia, South Carolina for Tuesday, October 27, 2015 at 10:00 a.m. if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the Department to add SC Regulation 117-307.7 regarding the application of the sales and use tax to hurricane rental insurance charges under Code Section 12-36-920. The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. Section 1-23-111 (2005), to issue a report that the proposal to amend the regulation is needed and reasonable.

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: For **117-307: Hotels, Motels, and Similar Facilities.**

Purpose: To amend SC Regulation 117-307 to add a new subsection, 117-307.7, clarifying the application of the sales and use tax to hurricane rental insurance charges under Code Section 12-36-920.

Legal Authority: Code Section 12-4-320.

Plan for Implementation: After approval by the General Assembly and publication in the State Register, the regulation would be effective upon publication in the State Register.

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

The proposal to amend SC Regulation 117-307 is needed to ensure that the public has information concerning the application of the sales and use tax to hurricane rental insurance charges in light of recent changes to Code Section 12-36-920 enacted pursuant to Act No. 172 of 2014.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not have an impact on state or local political subdivisions expenditures. Promulgation of this regulation will also benefit the State and taxpayers by ensuring that the public has information concerning the application of the sales and use tax to hurricane rental insurance charges.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The purpose of this amendment to SC Regulation 117-307 is to address the application of the sales and use tax to hurricane rental insurance charges in light of recent changes to Code Section 12-36-920 enacted pursuant to Act No. 172 of 2014.

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.

62 FINAL REGULATIONS

Document No. 4582
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71
Statutory Authority: 1976 Code Section 41-15-210

Article I, Subarticle 7
Occupational Safety and Health Standards

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, hereby promulgates the following changes to South Carolina Regulations:

In Subarticle 7 (Construction):

Revisions to Sections: 1926.21, 1926.953, 1926.968, 1926.1200, 1926.1201, 1926.1202, 1926.1203, 1926.1204, 1926.1205, 1926.1206, 1926.1207, 1926.1208, 1926.1209, 1926.1210, 1926.1211, 1926.1212, and 1926.1213, as amended in Federal Register Volume 80, No. 85 dated May 4, 2015 pages 25366 through 25526.

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the OSHA Standards Office at (803) 896-5811 or by viewing the OSHA website at www.OSHA.gov.