

## **SOUTH CAROLINA STATE REGISTER DISCLAIMER**

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# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
THE LEGISLATIVE COUNCIL  
of the  
GENERAL ASSEMBLY

JAMES H. HARRISON, DIRECTOR  
DEIRDRE BREVARD-SMITH, EDITOR

P.O. BOX 11489  
COLUMBIA, SC 29211  
TELEPHONE (803) 212-4500

**Published April 24, 2015**

Volume 39 Issue No. 4

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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**Deirdre Brevard-Smith, Editor**  
**P.O. Box 11489**  
**Columbia, SC 29211**  
**Telephone: (803) 212-4500**  
**Fax: (803) 212-4501**

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# 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/regsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4350			Law Enforcement Officer and E-911 Officer Training and Certification (Re-number and Reorganize)	5/13/15	South Carolina Criminal Justice Academy
4372			Certification	5/13/15	South Carolina Criminal Justice Academy
4466			Procedures for Contested Cases	5/13/15	Department of Health and Envir Control
4461			Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	5/13/15	Department of Health and Envir Control
4468			Hypodermic Devices; and Drugs and Devices	5/13/15	Department of Health and Envir Control
4455			Proceedings	5/13/15	Public Service Commission
4459			Landplaster	5/13/15	Clemson University-State Crop Pest Comm.
4471			Standards for Licensing Ambulatory Surgical Facilities	5/13/15	Department of Health and Envir Control
4490			Plant Pests	5/13/15	Clemson University-State Crop Pest Comm.
4484			Standards for Licensing Community Residential Care Facilities	5/13/15	Department of Health and Envir Control
4485			Standards for Wastewater Facility Construction	5/13/15	Department of Health and Envir Control
4525			Securities	5/13/15	Office of the Attorney General
4482			Particle Accelerators (Title C)	5/13/15	Department of Health and Envir Control
4483			Shellfish	5/13/15	Department of Health and Envir Control
4481			Air Pollution Control Regulations and Standards	5/13/15	Department of Health and Envir Control
4345			Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	5/14/15	South Carolina Criminal Justice Academy
4480			Insurance Holding Company Systems	5/14/15	Department of Insurance
4454			Commissioners	5/15/15	Public Service Commission
4464			Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	5/15/15	Department of Health and Envir Control
4498			Standards for Licensing Day Care Facilities for Adults	5/20/15	Department of Health and Envir Control
4539			Consumer Electronic Equipment Collection and Recovery	5/20/15	Department of Health and Envir Control
4542			Solid Waste Management: Waste Tires	5/20/15	Department of Health and Envir Control
4497			Pasteurized Milk and Milk Products	5/20/15	Department of Health and Envir Control
4496			Athletic Trainers	5/20/15	Department of Health and Envir Control
4538			Certification of Need for Health Facilities and Services	5/21/15	Department of Health and Envir Control
4541			Hazardous Waste Management Regulations	5/21/15	Department of Health and Envir Control
4499			Applications and Fees	5/22/15	LLR-Board of Architectural Examiners
4500			Fees	5/22/15	LLR-State Athletic Commission
4501			Amend Regulations 8-115, 8-601, 8-602, 8-604, 8-607, and 8-613	5/22/15	LLR-Building Codes Council
4503			Fees	5/22/15	LLR-Board of Registration for Professional Engineers and Surveyors
4508			Fees	5/22/15	LLR- Manufactured Housing Board
4507	R.11	SR39-4	Fees [and Fee Schedule]	5/23/15	LLR-Board of Long Term Health Care Administrators
4506			Fees	5/23/15	LLR-Board of Registration for Geologists
4505			Fees	5/23/15	LLR-Boad of Funeral Service
4504			Fees	5/23/15	LLR-Environmental Certification Board
4509	R.12	SR39-4	Fees	5/23/15	LLR-Board of Medical Examiners
4511	R.13	SR39-4	Fees	5/23/15	LLR-Board of Examiners in Opticianry
4512			Fees	5/23/15	LLR-Board of Physical Therapy Examiners
4513	R.14	SR39-4	Fees	5/23/15	LLR-Board of Podiatry Examiners
4502	R.10	SR39-4	Fees	5/23/15	LLR-Board of Dentistry
4514			Fees	5/23/15	LLR-Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists
4515	R.15	SR39-4	Fees	5/23/15	LLR-Board of Examiners in Psychology
4516			Annual Fee Schedule	5/23/15	LLR-Real Estate Appraisers Board
4517			Fees	5/23/15	LLR- Real Estate Commission
4519			Fees	5/23/15	LLR-Soil Classifier Advisory Council
4535			Real Estate Commission	5/26/15	LLR
4520			Fees	5/26/15	LLR-Board of Veterinary Medical Examiners
4518			Initial Fees	5/26/15	LLR-Residential Builders Commission
4536			Professional Boxing, Wrestling, Kick Boxing, Off the Street Boxing, and Mixed Martial Arts	5/26/15	LLR-State Athletic Commission
4477			Defined Program, Grades 9-12 and Graduation Requirements	5/27/15	State Board of Education
4476			Defined Program 6-8	5/27/15	State Board of Education
4521			Administrative Citations and Penalties; and Fines	5/27/15	LLR-Board of Pharmacy
4491			Adult Education	5/28/15	State Board of Education

## 2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

## COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4350	Law Enforcement Officer and E-911 Officer Training and Certification (Renumber and Reorganize)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4466	Procedures for Contested Cases	Medical, Military, Pub & Mun Affairs	Medical Affairs
4461	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	Medical, Military, Pub & Mun Affairs	Medical Affairs
4468	Hypodermic Devices; and Drugs and Devices	Medical, Military, Pub & Mun Affairs	Medical Affairs
4455	Proceedings	Labor, Commerce and Industry	Judiciary
4459	Landplaster	Agriculture and Natural Resources	Agriculture and Natural Resources
4471	Standards for Licensing Ambulatory Surgical Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4490	Plant Pests	Agriculture and Natural Resources	Agriculture and Natural Resources
4484	Standards for Licensing Community Residential Care Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4485	Standards for Wastewater Facility Construction	Agriculture and Natural Resources	Medical Affairs
4525	Securities	Judiciary	Banking and Insurance
4482	Particle Accelerators (Title C)	Medical, Military, Pub & Mun Affairs	Medical Affairs
4483	Shellfish	Agriculture and Natural Resources	Medical Affairs
4481	Air Pollution Control Regulations and Standards	Agriculture and Natural Resources	Medical Affairs
4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4480	Insurance Holding Company Systems	Labor, Commerce and Industry	Banking and Insurance
4454	Commissioners	Labor, Commerce and Industry	Judiciary
4464	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	Medical, Military, Pub & Mun Affairs	Medical Affairs
4498	Standards for Licensing Day Care Facilities for Adults	Medical, Military, Pub & Mun Affairs	Medical Affairs
4539	Consumer Electronic Equipment Collection and Recovery	Labor, Commerce and Industry	Agriculture and Natural Resources
4542	Solid Waste Management: Waste Tires	Agriculture and Natural Resources	Medical Affairs
4497	Pasteurized Milk and Milk Products	Agriculture and Natural Resources	Medical Affairs
4496	Athletic Trainers	Medical, Military, Pub & Mun Affairs	Medical Affairs
4538	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
4541	Hazardous Waste Management Regulations	Agriculture and Natural Resources	Medical Affairs
4499	Applications and Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4500	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4501	Amend Regulations 8-115, 8-601, 8-602, 8-604, 8-607, and 8-613	Judiciary	Labor, Commerce and Industry
4503	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4508	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4507	Fees [and Fee Schedule]	Medical, Military, Pub & Mun Affairs	Medical Affairs
4506	Fees	Agriculture and Natural Resources	Labor, Commerce and Industry
4505	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4504	Fees	Agriculture and Natural Resources	Labor, Commerce and Industry
4509	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4511	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4512	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4513	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4502	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4514	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4515	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4516	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4517	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4519	Fees	Agriculture and Natural Resources	Labor, Commerce and Industry
4535	Real Estate Commission	Labor, Commerce and Industry	Labor, Commerce and Industry
4520	Fees	Agriculture and Natural Resources	Agriculture and Natural Resources
4518	Initial Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4536	Professional Boxing, Wrestling, Kick Boxing, Off the Street Boxing, and Mixed Martial Arts	Labor, Commerce and Industry	Labor, Commerce and Industry
4477	Defined Program, Grades 9-12 and Graduation Requirements	Education and Public Works	Education
4476	Defined Program 6-8	Education and Public Works	Education
4521	Administrative Citations and Penalties; and Fines	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4491	Adult Education	Education and Public Works	Education
4495	Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)	Education and Public Works	Education
4548	Mortgage Lending	Labor, Commerce and Industry	Banking and Insurance
4557	Seals	Labor, Commerce and Industry	Labor, Commerce and Industry
4556	Application Fee for a Professional Geologist	Labor, Commerce and Industry	Labor, Commerce and Industry
4537	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4554	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4558	Recordkeeping	Labor, Commerce and Industry	Labor, Commerce and Industry

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

4478	Requirements for Additional Areas of Certification	Education and Public Works	Education
4494	Procedures and Standards for Review of Charter School Applications	Education and Public Works	Education
4510	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4530	End-of-Course Tests	Education and Public Works	Education
4532	Use and Dissemination of Test Results	Education and Public Works	Education
4523	Article 5, Adjudication of Misconduct Allegations	Judiciary	Judiciary
4546	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6	Agriculture and Natural Resources	Fish, Game and Forestry
4555	Article 8, Office of State Fire Marshal	Labor, Commerce and Industry	Labor, Commerce and Industry
4474	Offers of Work	Labor, Commerce and Industry	Labor, Commerce and Industry
4475	Unemployment Trust Fund	Labor, Commerce and Industry	Labor, Commerce and Industry
4528	Prepaid Legal Services Certificate of Registration	Labor, Commerce and Industry	Banking and Insurance
4549	Licensing of Mortgage Brokers	Labor, Commerce and Industry	Banking and Insurance
4529	Assessment Program	Education and Public Works	Education
4531	Test Security	Education and Public Works	Education
4527	Consumer Credit Counseling Requirements	Labor, Commerce and Industry	Banking and Insurance
4533	South Carolina National Guard College Assistance Program	Education and Public Works	Education
4534	South Carolina National Guard Student Loan Repayment Program	Education and Public Works	Education
4524	Suspension of Certification Due to Criminal Charges and/or Indictment	Judiciary	Judiciary
4560	Regulations for Species or Subspecies of Non-game Wildlife	Regulations and Admin. Procedures	Fish, Game and Forestry
4547	Term and Conditions for the Public's Use of State Lakes and Ponds Owned or Leased by the Department of Natural Resources	Regulations and Admin. Procedures	Fish, Game and Forestry
4543	Standards for Licensing Nursing Homes	Regulations and Admin. Procedures	Medical Affairs
4540	Emergency Medical Services	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		
<b>Resolution Introduced to Disapprove</b>			
4551	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs



## State of South Carolina Office of the Governor

NIKKI R. HALEY  
GOVERNOR

1205 PENDLETON STREET  
COLUMBIA 29201

TO: Sam Wilkins, Director of the State Office of Human Resources  
FROM: Swati S. Patel, Chief Legal Counsel to the Office of the Governor  
DATE: March 20, 2015  
RE: Clarification for Executive Order 2015-13

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Pursuant to Section 8-11-57 of the South Carolina Code of laws, the Governor issued Executive Order 2015-13 which included information that must be clarified as follows:

*In Paragraph 2, line 5, an addition should be made to include Berkeley County having dismissed early at 2:30 p.m. on February 24, 2015.*

*In Paragraph 2, Line 7, an addition should be made to include Florence County having had a two-hour delay on February 25, 2015.*

This clarification effectively grants leave with pay to state employees who were dismissed early in Berkeley County on February 24, 2015 and delayed in Florence County by two hours on February 25, 2015.

## 6 NOTICES

### 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 April 24, 2015 for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-4200.

##### **Affecting Charleston County**

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

**Trident Medical Center, LLC d/b/a Trident Medical Center**

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 April 24, 2015. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Robert B. "Sam" Phillips, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

##### **Affecting Aiken County**

Construction of a new 50 bed general hospital at a total project cost of \$32,470,000.

**University Hospital Aiken, Inc. d/b/a University Hospital Aiken or University Hospital-Aiken**

##### **Affecting Berkeley County**

Construction of new Ambulatory Surgical Facility (ASF) with six (6) operating rooms and two (2) endoscopy-only rooms at a total project cost of \$22,862,134.

**Nexton Surgery Center, LLC**

##### **Affecting Beaufort County**

Renovation of an existing facility for the purchase and installation of a Siemens 3T MRI at a total project cost of \$2,074,992.

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

Provision of Elective Percutaneous Coronary Intervention (PCI) Without On-Site Cardiac Backup at a total project cost of \$0.

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

##### **Affecting Charleston County**

Construction of a new Ambulatory Surgical Facility (ASF) for the relocation from Rutledge Tower of four (4) operating rooms and one (1) endoscopy procedure room at a total project cost of \$26,389,808.

**Medical University Hospital Authority d/b/a MUSC Pediatric Ambulatory Surgery Center**

Renovation of an existing facility for the purchase and installation of a Varian TrueBeam Linear Accelerator at a total project cost of \$8,131,422.

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

Establishment of a new outpatient Narcotic Treatment Program (NTP) in Dillon County at a total project cost of \$490,000.

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

**Affecting Georgetown County**

Renovation of an existing facility to add a fifteen (15) bed inpatient psychiatric unit through the conversion of fifteen (15) acute care beds and further reduction of eleven (11) more acute care beds resulting in total of one hundred twenty (120) acute care beds and fifteen (15) psychiatric beds, at a total project cost of \$4,465,886.

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

**Affecting Greenwood County**

Establishment of a new outpatient Narcotic Treatment Program (NTP) in Greenwood County at a total project cost of \$285,000.

**Brent Brady d/b/a Greenwood Treatment Specialists**

Establishment of a new outpatient Narcotic Treatment Program (NTP) in Greenwood County at a total project cost of \$54,640.

**Recovery Concepts of Greenwood Abbeville, LLC**

**Affecting Greenville County**

Addition to an existing facility to add eight (8) psychiatric beds for a total of fifty-two (52) psychiatric beds at a total project cost of \$400,000.

**Chestnut Hill Mental Health Center, Inc. d/b/a Springbrook Behavioral Health System**

Establishment of a new Narcotics Treatment Program in Greenville County at a total project cost of \$640,000.

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

Renovation of an existing facility to install a hybrid operating room (OR) at a total project cost of \$2,876,223.

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

**Affecting Horry County**

Construction of an addition and renovation of an existing emergency department (ED) at a total project cost of \$5,065,234.

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

**Affecting Jasper County**

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

**Progressive Speech Therapy Services, LLP**

**Affecting Lexington County**

Construction of a new sixty (60) bed non-institutional nursing home at a total project cost of \$14,805,485.

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### Wellmore of Lexington, LLC

#### Affecting York County

Conversion of Level IIE Enhanced Perinatal Center to Level III Subspecialty Perinatal Center at a total project cost of \$154,964.

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

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

### NOTICE OF GENERAL PUBLIC INTEREST

#### NOTICE OF FINAL AMENDMENT TO AIR QUALITY STATE IMPLEMENTATION PLAN

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

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

#### South Carolina Air Quality Implementation Plan:

**NOTICE IS HEREBY GIVEN**, the Department of Health and Environmental Control (“Department”) has amended the South Carolina Air Quality Implementation Plan (“SIP”) to include a redesignation demonstration and maintenance plan for the Rock Hill Fort Mill Area Transportation Study (“RFATS”) Metropolitan Planning Organization (“MPO”) 8-hour ozone nonattainment area for the 2008 National Ambient Air Quality Standard (“NAAQS”).

On March 27, 2008 (73 FR 16436), the Environmental Protection Agency (“EPA”) promulgated amendments to the ozone NAAQS. On July 20, 2012 (77 FR 30088), the EPA designated and classified a portion of York County, South Carolina within the RFATS MPO as a marginal nonattainment area for the 8-hour ozone NAAQS as part of the Charlotte-Gastonia-Rock Hill NC-SC Nonattainment Area. Air quality monitoring data from 2012 to 2014 indicate that all monitors within the Charlotte-Gastonia-Rock Hill NC-SC Nonattainment Area currently meet the 2008 8-hour ozone NAAQS of 0.075 ppm. The SIP revision requests that the EPA redesignate the York County portion of the Charlotte-Gastonia-Rock Hill NC-SC Nonattainment Area to attainment for the 2008 8-hour ozone NAAQS. The plan also provides a maintenance plan which fulfills the requirements of Section 175A of the Clean Air Act as amended, and ensure the area remains in attainment of the 2008 8-hour ozone NAAQS through 2026.

The Department published a Notice of General Public Interest which included an announcement of a 30-day comment period and opportunity to request a public hearing in the *State Register* on February 27, 2015. A prehearing package was submitted to the EPA on February 27, 2015. The public comment period closed on March 30, 2015, and on this day a public hearing was held. No comments, written or oral, were received from the public. The EPA submitted a comment and the Department addressed this in its final SIP package. Documents relating to this redesignation request and maintenance plan are available via the Department’s website at:

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



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

DHEC-Bureau of Land and Waste Management, File #305608  
Bluewater Thermal Solutions 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 Bodycote Thermal Processing, Inc. and Gibraltar Industries, Inc. (Responsible Parties). Under the VCC, Responsible Parties will perform response actions at the Bluewater Thermal Solutions facility located in Laurens County at 100 Hunts Bridge Road, Fountain Inn, South Carolina.

Response actions addressed in the VCC include, but may not be limited to, the Responsible Parties funding and performing a Remedial Investigation (RI) to determine the source, nature, and extent of the release or threat of release of hazardous substances, pollutants, or contaminants, and, if necessary, conducting a Feasibility Study (FS) to evaluate alternatives to clean-up the Site. Further, the Responsible Parties will reimburse the Department's oversight costs and other response costs pursuant to the VCC.

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

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

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

Upon the successful completion of the VCC, the Responsible Parties will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Parties 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 Responsible Parties have successfully and completely complied with the VCC.

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### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File #400247  
Jacobs Manufacturing Site

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

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (DHEC) intends to enter into a Voluntary Cleanup Contract (VCC) with Seneca Realty, Inc., Aegean Partner, LLC, DH Holdings Corporation, Jacobs Chuck Manufacturing Company, LLC, and NMTC, Inc. (Respondents). The VCC provides that the Respondents, with DHEC's oversight, will fund and perform future response actions at the Jacobs Manufacturing facility located in Oconee County, at 1 Jacobs Road, Seneca, South Carolina, and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants from the facility property (Site).

Future response actions addressed in the VCC include, but may not be limited to, the Respondents funding and performing: a Remedial Investigation (RI) to determine the source, nature, and extent of the release or threat of release of hazardous substances, pollutants, or contaminants and, if necessary, conduct a Feasibility Study (FS) to evaluate alternatives to clean-up the Site. Further, the Respondents will reimburse the Department's past costs of response of \$2,853.92 and the Department's future costs of overseeing the work performed by the Respondents and other Department's costs of response pursuant to the VCC.

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 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/](http://www.scdhec.gov/Apps/Environment/PublicNotices/) or
- (2) By contacting David Wilkie at 803-898-0882 or [wilkietd@dhec.sc.gov](mailto:wilkietd@dhec.sc.gov).

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

Upon the successful completion of the VCC, the Respondents will receive a covenant not to sue for the work done in completing the response actions specifically covered in the Contract and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Respondents 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 Contract including the approved work plans and reports. Contribution protection is contingent upon the Department's determination that the Respondents have successfully and completely complied with the VCC.

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

## ERRATA

April 24, 2015

The Department of Health and Environmental Control has conducted an audit of Document Number 4424, R.61-25, *Retail Food Establishments*, as published in the *State Register*, Volume 38, Issue 6; on June 27, 2014 and is publishing this errata to correct errors in the applicable regulation. These corrections do not create new regulatory requirements; the corrections are nonsubstantive and are made to improve the overall quality of the Department's regulation.

**R.61-25. Retail Food Establishments**

*State Register Doc. 4424, June 27, 2014*

**At 1-101.10 correct error to capitalize the word regulation from “this regulation” to “this Regulation” to read:**

These provisions shall be known as Regulation 61-25, hereinafter referred to as “this Regulation.”

**At 1-102.10 correct error to capitalize the word regulation from “this regulation” to “this Regulation” to read:**

The purpose of this Regulation is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented.

**At 1-103.10 correct error to capitalize the word regulation from “this regulation” to “this Regulation” to read:**

This Regulation establishes definitions; sets standards for management and personnel, food operations, equipment and facilities; and provides for retail food establishment permit issuance, inspection, employment restriction, permit suspension and revocation.

**At 1-201.10(A) and (B) correct error to capitalize the word regulation from “this regulation” to “this Regulation” to read:**

(A) The following definitions shall apply in the interpretation and application of this Regulation.

(B) Terms Defined. As used in this Regulation, each of the terms listed in 1-201.10(B) shall have the meanings stated below.

**At 1-201.10(B)(5) correct typographical scrivener's error by changing the lower case “w” in “Aw” to the subscript “<sub>w</sub>” to “A<sub>w</sub>” for consistency with language in the FDA Food Code to read:**

(5) “A<sub>w</sub>” means a symbol for water activity, which measures the free moisture in a food, is the quotient of water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

**At 1-201.10(B)(34)(a) correct grammatical scrivener's errors in sentence to correct plural for “chickens, ducks, geese, guineas, quail, ratites, or turkeys” to “chicken, duck, goose, guinea, quail, ratites, or turkey” for consistency with language used in the FDA Food Code to read:**

(a) “Egg” means the shell of an avian species such as chicken, duck, goose, guinea, quail, ratites or turkey.

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**At 1-201.10(B)(44)(b) correct punctuation error at the end of the sentence by the addition of a “:” to read”:**

(b) A surface of equipment or a utensil from which food may drain, drip, or splash:

**At 1-201.10(B)(73) correct error to capitalize the word regulation from “this regulation” to “this Regulation” to read:**

(73) “**Nuisance**” for the purpose of this Regulation is a public health nuisance and means whatever is dangerous to human life or detrimental to health; whatever structure or premises is not sufficiently ventilated, sewerred, drained, cleaned, or lighted with respect to its intended occupancy.

**At 1-201.10(B)(87) correct sentence error to un-bold print to the words “for the purpose of” to “for the purpose of” to read:**

(87) “**Pre-operational inspection**” means an inspection conducted by the Department, to determine compliance with the regulation for the purpose of obtaining a permit.

At 1-201.10(B)(127) in the subsection title - correct omission error for clarity by inserting missing information in subsection title for “**Time/Temperature Control for Safety Food**” to “**Time/Temperature Control for Safety Food** (formerly “potentially hazardous food” (PHF))” for consistency with language in FDA Food Code to read:

(127) **Time/temperature control for safety food** (formerly “potentially hazardous food” (PHF)).

**At 1-201.10(B)(132)(a)(i) correct error to capitalize the word regulation from “this regulation” to “this Regulation” to read:**

(i) “**Priority violation**” means a provision in this Regulation whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.

**At 1-201.10(B)(132)(b)(i) correct error to capitalize the word regulation from “this regulation” to “this Regulation” to read:**

(i) “**Priority foundation violation**” means a provision in this Regulation whose application supports, facilitates or enables one or more priority violations.

**At 1-201.10(B)(132)(c)(i) correct error to capitalize the word regulation from “this regulation” to “this Regulation” to read:**

(i) “**Core violation**” means a provision in this Regulation that is not designated as a priority item or a priority foundation violation.

**At 1-201.10(B)(134) correct scrivener’s punctuation error in sentence with addition before the word intact, of “,” for consistency of language used in other sections of the regulation and the FDA Food Code, to read:**

(134) “**Whole-muscle, intact beef**” means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

**At 2-201.12(B)(2) correct punctuation error changing “,” to “;” to read:**

(2) On exposed portions of the arms, unless the lesion is protected by an impermeable cover; or

**At 2-303.11(A) correct punctuation error by addition before the word including a “,” to read:**

(A) Except for a plain ring such as a wedding band, while preparing food, food employees shall not wear jewelry on their arms and hands, including medical information jewelry on their arms or hands.

**At 3-101.11 correct error in citation title with the addition after the word Unadulterated, “, and Honestly Presented” for consistency with language used in the FDA Food Code to read:**

3-101.11 Safe and Unadulterated, and Honestly Presented.

**At 3-201.11(F) correct punctuation error by addition of a “,” after the word consumption to read:**

(F) Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions as specified in law, including 9 CFR 317.2(l) and 9 CFR 381.125(b).

**At 3-201.16(A) correct the typographical scrivener’s error of the phrase “9-5, *Wild Mushroom Foraging*” corrected to “9-4, *Wild Mushroom Foraging*” to read:**

(A) Except as specified in (B) of this section, mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert as specified in 9-4, *Wild Mushroom Foraging*.

**At 3-203.11(D)(1) correct scrivener’s error by deletion of reference to “(A) and (B)(1) through (5)”, which does not exist as written in R.61-25 under 3-602.11, to read:**

(1) The labeling information for the shellfish is on each consumer self-service container as specified under 3-202.17 and 3-602.11;

**At 3-301.11(B) correct scrivener’s error by deletion the reference to “(E)”, which does not exist, to read:**

(B) Except when washing fruits and vegetables as specified under 3-302.15 or as specified in (D) of this section, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.

**At 3-302.12 add the word “retail” before the words “food establishment” in the citation paragraph for clarity and consistency with same language used throughout the regulation to read:**

Except for containers holding food that can be readily and unmistakably recognized such as dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the retail food establishment, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the food.

**At 3-302.14(B)(1) correct typographical scrivener’s error by changing the number “1” of “B1” to the subscript “<sub>1</sub>” to “B<sub>1</sub>” for consistency with language used in the FDA Food Code to read:**

(1) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B<sub>1</sub>; or

**At 3-304.12(F) correct typographical reference error at end of sentence “4-602.11(D)(7)”, which does not exist to “4-602.11(D)(5)”, which is the correct reference to read:**

## 14 NOTICES

(F) In a container of water if the water is maintained at a temperature of at least 135 degree F (57 degree C) and the container is cleaned at a frequency specified under 4-602.11(D)(5).

**At 3-401.11(C) correct word-processing formatting space error where “(C) A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if:” overlaps Table 3.3 on both sides of table, by moving “(C) A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if:” below table 3.3, to read:**

<b>Temperature Degree F (C)</b>	<b>Time<sup>1</sup> in Minutes</b>	<b>Temperature Degree F (C)</b>	<b>Time<sup>1</sup> in Seconds</b>
130 (54.4)	112	147 (63.9)	134
131 (55.0)	89	149 (65.0)	85
133 (56.1)	56	151 (66.1)	54
135 (57.2)	36	153 (67.2)	34
136 (57.8)	28	155 (68.3)	22
138 (58.9)	18	157 (69.4)	14
140 (60.0)	12	158 (70.0)	0
142 (61.1)	8		
144 (62.2)	5		
145 (62.8)	4		

<sup>1</sup>Holding time may include post-oven heat rise.

(C) A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if:

**At 3-401.14(D) correct reference error by deletion in sentence of “for fifteen (15) seconds for full lethality based on the specific product requirements in” to “and for a time as specified under” to correct use of time to match the FDA Food Code to read:**

(D) Prior to sale or service, cooked using a process that heats all parts of the food to a temperature and for a time as specified under 3-401.11 (A) through (C) of the regulation;

**At 3-402.12(C) correct reference error of “3-402.11(B)(3)” in two places under (C) to “3-402.11(B)(4)” in both places under (C) to read:**

(C) If raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, and the fish are raised and fed as specified in 3-402.11(B)(4), a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as specified in 3-402.11(B)(4) shall be obtained by the person in charge and retained in the records of the food establishment for ninety (90) calendar days beyond the time of service or sale of the fish.

At 3-501.13(B) correct punctuation error after the word water changing the “,” to “:” to read:

(B) Completely submerged under cold running water:

**At 3-501.16(A)(1) correct the typographical scrivener’s errors at the end the citation that reads “135 degrees F (57 degrees C) or above; or” to “130 degrees F (54 degrees C) or above; or” for consistency with language used in the FDA Food Code to read:**

(1) At 135 degrees F (57 degrees C) or above, except that roasts cooked to a temperature and for a time specified in 3-401.11(B) or reheated as specified in 3-403.11(E) may be held at a temperature of 130 degrees F (54 degrees C) or above; or

**At 3-501.17(A) correct scrivener's errors by addition of "retail" before the words "food establishment" in (A) under 3-503.17, consistent with language throughout the regulation, and correct reference errors by changing "(D) and (E)" to "(E) and (F)" consistent with correct reference language in this section of the regulation and for consistency with language used in the FDA Food Code to read:**

(A) Except when packaging food using a reduced oxygen packaging method as specified under 3-502.12, and except as specified (E) and (F) of this section, refrigerated, ready-to-eat, time/temperature control for safety food prepared and held in a retail food establishment for more than twenty four (24) hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded when held at a temperature of 41 degrees F (5 degrees C) or less for a maximum of seven (7) days. The day of preparation shall be counted as Day One (1).

**At 3-501.17(B) correct scrivener's errors by addition of "retail" before the words "food establishment" in (B) under 3-503.17, consistent with language used throughout the regulation, and correct reference errors by changing "(D) through (G)" to "(E) through (G)" consistent with correct reference language in this section of the regulation and the FDA Food Code, to read:**

(B) Except as specified in (E) through (G) of this section, refrigerated, ready-to-eat, time/temperature control for safety food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a retail food establishment and if the food is held for more than twenty four (24) hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified in (A) of this section and:

**At 3-501.19(A)(1) correct scrivener's error by addition of "retail" before the words "food establishment" consistent with language used throughout the regulation to read:**

(1) Written procedures shall be prepared in advance, maintained in the retail food establishment and made available to the Department upon request that specify:

**At 3-501.19(A)(1)(a) correct typographical scrivener's errors changing "(B)(1)(3)" to "(B)(1)-(3)" and "(C)(1)(5)" to "(C)(1)-(5)" for consistency with the language in the FDA Food Code to read:**

(a) Methods of compliance with (B)(1)-(3) or (C)(1)-(5) of this section; and

**At 3-502.12(B)(2)(a) correct typographical scrivener's error by changing the lower case "w" in "A<sub>w</sub>" to the subscript "w" to "A<sub>w</sub>" for consistency with language used in the FDA Food Code to read:**

(a) Has an A<sub>w</sub> of 0.91 or less,

**At 3-701.11(B) correct reference for consistency changing "17" to ".17" for consistency with the FDA Food Code to read:**

(B) Food that is not from an approved source as specified under 3-201.11 through .17 shall be discarded.

**At 3-801.11(D) correct reference by deletion of "and (E)", which does exist to read:**

(D) Food employees may not contact ready-to-eat food as specified under 3-301.11(B).

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**At 3-801.11(F)(3)((c) correct punctuation error at end of sentence by addition of “:” to read:**

(c) Includes specifications and practices that ensure:

**At 4-101.17(B)(3) correct punctuation and grammatical error by the deletion of “; and” at the end of (B)(3) and the addition of a “.” after the word repair to read:**

(3) Bagel boards including a laminated hardwood may be acceptable if the food-contact surface is smooth and in good repair.

**At 4-102.11 correct punctuation error after the word single-use articles by addition of a “:” to read:**

Materials that are used to make single-service and single-use articles:

**At 4-202.17 correct typographical error after the word cleaning by deletion of the “.” and addition of “by being:” for consistency with language used in the FDA Food Code to read:**

Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:

**At 4-204.13 correct punctuation error by adding “:” after the word form to read:**

In equipment that dispenses or vends liquid food or ice in unpackaged form:

**At 4-204.110(A) there is only one citation with no (B) following (A). Correct the format outline by deleting the letter “(A)” to read:**

Molluscan shellfish life support system display tanks may not be used to store or display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.

**At 4-204.112(E) correct grammatical error by changing “two (2) *degrees* F (1 *degrees* C)” to “2 degrees F (1 degrees C), removing italics for consistency, to read:**

(E) Food temperature measuring devices and water temperature measuring devices on warewashing machines shall have a numerical scale or digital readout in increments no greater than 2 degrees F (1 degree C) in the intended range of use.

**At 4-204.116(A) correct punctuation error by deletion of the “,” after (77 *degrees* C) and the addition of “;”; correct “171 *degrees* F (77 *degrees* C)” to “171 degrees F (77 degrees C)” by removing the italics for consistency, to read:**

(A) Designed with an integral heating device, equipped with an integral thermometer, that is capable of maintaining water at a temperature not less than 171 degrees F (77 degrees C); and

**At 4-501.114 correct stylistic outline error of “4-703.11.C” to “4-703.11(C)” for consistency throughout the regulation and the FDA Food Code to read:**

A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at contact times specified in 4-703.11(C) shall:

**At 4-501.114(D) correct punctuation error at end of sentence for consistency by changing “.” to “;” to read:**



(D) If another solution of a chemical specified under (C) of this section is used, the permit holder shall demonstrate to the Department that the solution achieves sanitization and the use of the solution shall be approved;

**At 4-501.114(E) correct punctuation error at end of sentence for consistency by changing “.” to “;” to read:**

(E) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be approved by the EPA and applied in accordance with the EPA-registered label use instructions;

**At 4-501.114(F) correct reference changing “(A)” to “(C)”, which is the correct reference, to read:**

(F) If a chemical sanitizer is generated by a device located on-site at the retail food establishment, it shall be used as specified in (C) through (D) of this section and shall be produced by a device that:

**At 4-501.115 and before 4-501.116 correct error by addition of a line space between end of “4-501.115” and beginning of “4-501.116” to read:**

4-501.115 Manual Warewashing Equipment, Chemical Sanitization Using Detergent-Sanitizers.

If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent-sanitizer that is used in the washing step.

4-501.116 Warewashing Equipment Determining Chemical Sanitizer Concentration.

Concentration of the sanitizing solution shall be accurately determined by using a test or other device.

**At 4-602.11(B) correct grammatical error with addition of missing word “type” before the word food at end of sentence for clarification to read:**

(B) Subparagraph (A)(1) of this section does not apply if the food-contact surface or utensil is in contact with a succession of different raw meats and poultry each requiring a higher cooking temperature as specified under 3-401.11 than the previous type food.

**At 4-602.12(A) correct grammatical error with addition of missing word “The” at the beginning of the sentence to read:**

(A) The food-contact surfaces of cooking and baking equipment shall be cleaned at least every twenty four (24) hours. This section does not apply to hot oil cooking and filtering equipment if it is cleaned at a frequency specified by the manufacturer or at a frequency to preclude accumulation of soil or mold.

**At 4-603.16(A)(2) correct stylistic outline error of “4-301.12.C” to “4-301.12(C)” for consistency throughout the regulation and language used in the FDA Food Code to read:**

(2) Alternative manual warewashing equipment equivalent to a three (3) compartment sink as specified in 4-301.12(C);

**At 4-701.10 correct typographical scrivener’s error to delete language in title of “, Sanitizing Procedures” for consistency with language in the FDA Food Code to read:**

4-701.10 Food-Contact Surfaces and Utensils.

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**At 4-703.11(C) correct punctuation error between citation reference “4-501.114 and the word Contact by adding a “.” to separate two sentences to read:**

(C) Chemical, manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under 4-501.114. Contact times shall be consistent with those on EPA-registered label use instructions by providing:

**At 4-703.11(C)(1) correct reference “4-501.114(A) to “4-501.114(C) to read:**

(1) Except as specified under (C)(2) of this section, a contact time of at least ten (10) seconds for a chlorine solution specified under 4-501.114(C),

**At 4-902.11 correct typographical error by deletion of “.00” from “under.00” to “under” to read:**

Lubricants as specified under 7-205.11 shall be applied to food contact surfaces that require lubrication in a manner that does not contaminate food contact surfaces.

**At 4-903.11(A) correct reference error by deletion after (A) the words “Except as specified in (D) of this section” since there does not exist a (D) to reference in the section; and capitalize the “c” in “cleaned” following the deleted words to read:**

(A) Cleaned equipment and utensils, laundered linens and single-service and single-use articles shall be stored:

**At 4-904.11(C) correct punctuation error “food to “food-“ for consistency of how written in the citation section 4-904.11 to read:**

(C) Except as specified in (B) of this section, single-service articles that are intended for food- or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

**At 5-101.11(A); (B); (B)(1); (B)(2) correct punctuation errors at the end of each subsection changing punctuation for consistency with punctuation used in the FDA Food Code the “.” to “;” to read:**

(A) An existing public water system (e.g., municipality);

(B) A new public water system (including a well) constructed for the purpose of serving the retail food establishment that is constructed, maintained, and operated according to R.61-58, *State Primary Drinking Water Regulation*;

(1) The owner shall provide the Department with a copy of the public water system *Operating Permit or Public Water Supply Construction Permit and Approval to Place into Operation* prior to the issuance of a permit to operate the retail food establishment;

(2) Upon the date of written notification from the Department to the owner/retail food establishment that the water supply to the retail food establishment does not meet acceptable standards for drinking water consumption, the retail food establishment shall immediately cease its food operation;

**At 5-202.11(B) correct scrivener’s errors by adding the word “A” to the beginning of the sentence and change the word “Plumbing” to lower case “plumbing”, change the word “fixtures” to the singular “fixture” and change the word “sinks” to “sink” for consistency with language in the FDA Food Code to read:**

(B) A Plumbing fixture such as handwashing sink, toilet, or urinal shall be easily cleanable.

**At 5-202.13 correct scrivener's error by the deletion of "or " after inch and before (25 mm) to read:**

An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than one (1) inch (25 mm).

**At 5-402.12 correct the sentence to add omitted language after the word trap "or grease interceptor" for consistency with language in the FDA Food Code to read:**

If used, a grease trap or grease interceptor shall be located to be easily accessible for cleaning.

**At 6-101.11(A) correct punctuation error at end of sentence by deletion of ":" and addition of ";" for consistency with the FDA Food Code to read:**

(A) Smooth, durable, and easily cleanable for areas where retail food establishment operations are conducted;

**At 6-202.112 correct grammatical error after the words "used for" by deletion of the word "a" and before "retail" to read:**

Living or sleeping quarters located in the premises of a retail food establishment such as those provided for lodging registration clerks or resident managers, shall be separated from rooms and areas used for retail food establishment operations by complete partitioning and solid self-closing doors.

**At 6-301.15 correct the citation reference numbering error of "6-301.15" to "6-301.20" as there is no 6-301.15 to read:**

6-301.20 Disposable Towels, Waste Receptacle.

**At 6-303.11(A) correct punctuation error for consistency with the language in the FDA Food Code, at the end of the sentence, changing "." to ";" to read:**

(A) At least ten (10) foot-candles (108 lux) at a distance of thirty (30) inches (75cm) above the floor, in walk-in refrigeration units and dry storage areas and in other areas and rooms during periods of cleaning;

**At 6-402.11 correct punctuation error by deletion of the "," after the word located to read:**

Toilet rooms shall be conveniently located and shall be accessible to employees during all hours of operation.

**At 6-501.110(B) correct grammatical error of the word "employees" to "employee" for consistency with language used in the FDA Food Code to read:**

(B) Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions

**At 7-202.12(A) correct punctuation error by addition of a ":" to end of sentence to read:**

(A) Used according to:

**At 7-204.14(A)(1); (2); (3); (4); (6) for consistency to match the FDA Food Code correct punctuation error for consistency with subsections (5) and (7) under (A) with use of semicolons by changing "," to ";" to read:**

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(1) Generally recognized as safe for use in food as specified in 21 CFR 182, *Substances Generally Recognized as Safe*, or 21 CFR 184, *Direct Food Substances Affirmed as Generally Recognized as Safe*;

(2) Generally recognized as safe for the intended use as specified in 21 CFR 186, *Indirect Food Substances Affirmed as Generally Recognized as Safe*;

(3) Generally recognized as safe for the intended use as determined by experts qualified in scientific training and experience to evaluate the safety of substances added, directly or indirectly, to food as described in 21 CFR 170.30, *Eligibility for classification as generally recognized as safe (GRAS)*;

(4) Subject of an effective *Food Contact Notification* as described in the *Federal Food Drug and Cosmetic Act (FFDCA)* Section 409(h);

(5) Approved for use as a drying agent under a prior sanction as described in the *Federal Food Drug and Cosmetic Act (FFDCA)* 201(s)(4);

(6) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR Parts 174 through 178; or

(7) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39, *Threshold of regulation for substances used in food-contact articles*; and

**At 7-204.14(A)(7) correct capitalized CFR reference “Threshold Of Regulation For Substances Used In Food-Contact Articles” to “Threshold of regulation for substances used in food-contact articles” to match how it is correctly written in the FDA Food Code and the Code of Federal Regulations (CFR) to read:**

(7) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39, *Threshold of regulation for substances used in food-contact articles*; and

**At 7-206.11 correct the stylistic outline error in sentence after the words specified in “7-202.12.C to “7-202.12(C)” for consistency throughout the regulation and with language in the FDA Food Code to read:**

Restricted use pesticides specified in 7-202.12(C) shall meet the requirements specified in 40 CFR 152, Subpart I, *Classification of Pesticides*.

**At 8-103.12(A) correct error of the word “plan” after the word HACCP to “plans” for consistency with language in the FDA Food Code, to read:**

(A) Comply with the HACCP plans and procedures that are submitted as specified under 8-201.14 and approved as a basis for the modification or waiver; and

**At 8-201.13(B) correct error by addition to the end of this citation the words “plan to the Department” for consistency with language in the FDA Food Code to read:**

(B) Before engaging in reduced oxygen packaging without a variance as specified under 3-502.12, a permit applicant or permit holder shall submit a properly prepared HACCP plan to the Department.

**At 8-301.11(A) correct error by the addition after the word permit, “to operate” for consistency with language in the FDA Food Code read:**

(A) No person shall operate a retail food establishment without a valid permit to operate issued by the Department.

**At 8-301.12(A)(15) correct grammatical error of the word “foods” after the word safety to “food” for consistency with language in the FDA Food Code to read:**

(15) Motels and hotels that prepare non-time/temperature control for safety food breakfast foods or serve pre-packaged food.

**At 8-301.12(A)(17) correct grammatical error of the capitalization of “Schools” to lower case “school” to read:**

(17) Cooking schools or classes where registered students are active participants in preparing the food and are the exclusive consumers of the foods prepared.

**At 8-302.11 correct for consistency by the addition of “thirty” before the number 30 and add parentheses to either side of “(30)” for outline consistency to read:**

An applicant shall submit a complete application for a permit at least thirty (30) calendar days before the date planned for opening a retail food establishment except as specified in 8-303.20 (A)(1)(a).

**At 8-302.14(C) correct punctuation error after the word altered from “;” to “,” to read:**

(C) If at any time during the preoperational inspection the information provided during the application process changes or is altered, the Department may require a new application to be submitted.

**At 8-303.20(A)(3)(a) and (b) correct punctuation errors replacing the “,” before the word “or” at the end of the sentence in both (a) and (b) to “;” to read:**

(a) The retail food establishment has conditions that constitute an imminent health hazard; or

(b) Has any priority or priority foundation violations; or

**At 8-304.10(A) correct grammatical error by deletion of the words “is available” from the sentence to read:**

(A) At the time a permit is first issued, the permit holder shall demonstrate access to a copy of this regulation and that the permit holder is knowledgeable of the compliance requirements and the conditions of retention, as specified under 8-304.11, that are applicable to the permit.

**At 8-501.30(B) correct grammatical scrivener’s error by the addition of “ and” after the word eliminated to read:**

(B) States the evidence that the food employee or permit holder shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated; and

**At 8-501.30(C) correct punctuation and grammatical scrivener’s errors by the deletion of “; and” at the end of (C) and the addition of a “.” after the word law to read:**

(C) States that the suspected food employee or the permit holder may request a hearing as provided in law.

**At 8-701.11(A) correct error for consistency at the end of the citation after 130 degrees F (54 degrees C.) by addition of the words “or above.” Correct by deletion the “.” after the “C” in “(54 degrees C.)” for consistency with similar language throughout the regulation and the FDA Food Code to read:**

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(A) The cold holding temperature of 41degrees F (5 degrees C) or below and the hot holding temperature of 135 degrees F (57 degrees C) or above shall not be effective until two (2) years after the effective date of this regulation. During this two (2) year period, the cold holding temperature shall be 45 degrees F (7 degrees C) or below and the hot holding temperature shall be 130 degrees F (54 degrees C) or above.

**At 9-1(A)(3) correct error for consistency the definition of a mobile food unit in 1-2 Definitions, 1.201.10(B)(69), correct by deletion in the first sentence, after ...as an extension of a, the words “retail food establishment” and add in its place “commissary” to read:**

(3) **Mobile food units** are fully enclosed mobile kitchens that may prepare, cook or serve time/temperature control for safety food as an extension of a commissary.

**At 9-1(A)(4) correct the typographical error in the first sentence with the deletion of the words “a direct” and addition of “an” in its place to read:**

(4) **Mobile food pushcarts** are limited food service units that operate as an extension of a commissary.

**At 9-6(G)(1) correct error in citation reference of “5-201.12”, which does not exist to “5-202.12”; and typographical error “&” changed to “and” to read:**

(1) A permanently installed exterior handwashing sink shall be provided pursuant to 5-202.12, 5-203.11 and 5-204.11.

**At 9-8(J)(1) correct error in citation reference of “2.102.20 to “2-102.12(B)” to read:**

(1) Temporary food service establishments are exempt from the requirements for training certification in 2-201.12(B).

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

Statutory Authority: 1976 Code Section 44-1-180

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to repeal R.61-89, *Charges for Family Planning Services*. Interested persons may submit written comments to Stephanie Derr, Director, Division of Women's Health, S.C Department of Health and Environmental Control, 2100 Bull St., Columbia, SC 29201 or via email at [derrsr@dhec.sc.gov](mailto:derrsr@dhec.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on May 26, 2015, the close of the drafting comment period.

**Synopsis:**

The Department of Health and Environmental Control proposes to repeal Regulation 61-89. As a condition of Title X funding, the Department follows federal regulations with respect to the subject matter covered by Regulation 61-89. As such, state regulations regarding Charges for Family Planning services are not needed.

Legislative review of this repeal will be required.

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

Statutory Authority: 1976 Code Section 44-1-180

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to repeal R.61-88, *Charges for Maternal and Child Health Services*. Interested persons may submit written comments to Mrs. Lucy Gibson, Director, Division of Children's Health, South Carolina Department of Health and Environmental Control, 2100 Bull Street, Columbia, South Carolina 29201 or via email to [gibsonlh@dhec.sc.gov](mailto:gibsonlh@dhec.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on May 26, 2015, the close of the drafting comment period.

**Synopsis:**

The Department of Health and Environmental Control proposes to repeal Regulation 61-88. Charges for Maternal and Child Health Services have become obsolete, since DHEC is no longer a provider of maternity services. Billing for other services is covered under 1976 Code Section 44-1-180 and specific sections of the federal Social Security Act, at 42 U.S.C Sections 701 (a)(1)(B) and 705(a)(5)(D).

Legislative review of this repeal will be required.

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

Statutory Authority: 1976 Code Sections 44-1-110, 44-1-140 and 44-29-10 et seq.

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend R.61-20, *Communicable Diseases*. Interested persons may submit written comments to Dana Giurgiutiu, Director, Division of Acute Disease Epidemiology, Bureau of Disease Control, South Carolina Department of Health and Environmental Control,

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2100 Bull St., Columbia, South Carolina 29201 or via email at [giurgid@dhec.sc.gov](mailto:giurgid@dhec.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on May 26, 2015, the close of the drafting comment period.

### Synopsis:

The Department of Health and Environmental Control proposes to amend Regulation 61-20. This amendment pertains to revising recommendations for spaces where food products are produced as listed in Section 16. The proposed language will address the overall public health concern for preventing the spread of communicable diseases.

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 44-1-80

### Notice of Drafting:

The Department of Health and Environmental Control proposes to repeal Regulation 61-52, *Psittacine Birds*. Interested persons may submit written comments to Stephanie W. Cox, DVM MPH, DHEC Public Health Veterinarian, Division of Acute Disease Epidemiology, South Carolina Department of Health and Environmental Control, 1751 Calhoun Street, Columbia, South Carolina 29201, or via email at [coxsw@dhec.sc.gov](mailto:coxsw@dhec.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on May 26, 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 SC Statute 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 HEALTH AND ENVIRONMENTAL CONTROL**  
**CHAPTER 61**

Statutory Authority: 1976 Code Sections 44-1-110, 44-1-140 and 44-29-10 et seq.

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend R.61-21, *Sexually Transmitted Diseases*. Interested persons may submit written comments to Janet Tapp, Division Director, Bureau of Disease Control, South Carolina Department of Health and Environmental Control, 2100 Bull St., Columbia, South Carolina 29201 or via email at [tappjw@dhec.sc.gov](mailto:tappjw@dhec.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on May 26, 2015, the close of the drafting comment period.

**Synopsis:**

The Department of Health and Environmental Control proposes to amend Regulation 61-21. This amendment requests to substitute “sexually transmitted disease” for “venereal disease”, delete recommendation to use “nonoxynol-9 and other chemical agents” and to specify in section H. (2) that school notification applies only to children in kindergarten through 5<sup>th</sup> grade.

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 Sections 44-96-10 et seq.

**Notice of Drafting:**

The Department of Health and Environmental Control is proposing to amend R.61-107.12, *Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities*. Interested persons may submit their comments, in writing, to Jana White, Mining and Solid Waste Management Division, at the S.C. Department of Health and Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, SC 29201 or to [whitejm@dhec.sc.gov](mailto:whitejm@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on May 26, 2015, the close of the drafting comment period.

**Synopsis:**

The proposed amendment of R.61-107.12, Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities, intends to update the regulation for consistency with current statutes regarding violations, penalties, and appeals of Department decisions. The amendment will include improved references to Federal and State Air Quality regulations applicable to incineration. Additionally, the amendment will address consistency determinations with State and local solid waste plans and clarify when such determinations will be made for permitting facilities regulated under R.61-107.12. It is the Department’s position that air-curtain incinerators be addressed separately from municipal and industrial solid waste incineration facilities in the regulation and may propose new sub-sections and language to clarify the requirements for the use of air-curtain incinerators. New or revised definitions may be included to reference technological advances occurring since the regulation was originally promulgated. Other changes for consideration include updating, clarifying, or amending the standards for sorting, storing, and processing waste and required maintenance at incineration facilities; ash management from incineration facilities for consistency with current Federal and State requirements; public notice requirements for proposed incineration facilities, and general facility requirements.

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Non-substantive changes to be considered include corrections for clarity, readability, grammar, punctuation and references. The name of the regulation may change for consistency with other Sections of the Chapter.

Legislative review will be required.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 61

Statutory Authority: 1976 Code Sections 44-96-10 et seq.

#### Notice of Drafting:

The Department of Health and Environmental Control is proposing to amend R.61-107.279, *Solid Waste Management: Used Oil*. Interested persons may submit their comments in writing, to Jana White at the S.C. Department of Health and Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, SC 29201 or to [whitejm@dhec.sc.gov](mailto:whitejm@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on May 26, 2015, the close of the drafting comment period.

#### Synopsis:

The Department is proposing to amend R.61-107.279 by removing the requirement for used oil marketers to obtain a permit as specified in Subpart H, Section 297.73.

Other changes to be considered include adding or clarifying requirements for used oil processors and transporter/transfer facilities, making changes for consistency with the federal regulation, and general facility requirements. Additional considerations include the specification of penalties for violations of the regulation and the statute as allowed or prescribed by S.C. Code Ann. Sections 44-96-10 *et seq.* Non-substantive changes for consideration include corrections for clarity, readability, grammar, punctuation, and references.

Legislative review will be required.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 61

Statutory Authority: 1976 Code Section 43-5-910

#### Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-94, *WIC Vendors*. Interested persons may submit written comments to Yolanda Kennedy, Assistant State Director, Division of WIC Services, South Carolina Department of Health and Environmental Control, 2100 Bull Street, Columbia, South Carolina 29201 or via email at [kennedyb@dhec.s.gov](mailto:kennedyb@dhec.s.gov). To be considered, all comments must be received no later than 5:00 p.m. May 25, 2015, the close of the comment period.

#### Synopsis:

The Department of Health and Environmental Control proposes to amend and update Regulation 61-94. This amendment and updates pertain to provisions included in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265). The provisions required 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. In addition, an interim rule, published by the United States Department of Agriculture, Food and Nutrition Services in the Federal Register on December 6, 2007, revised the WIC food packages. The proposed revisions align the WIC food packages with the Dietary Guidelines for Americans and

infant feeding practice guidelines of the American Academy of Pediatrics. This rule also encompassed vendor related amendments. All of the vendor provisions and amendments were 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 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 Sections 13-7-40 et seq.

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend R.61-64, *X-Rays (Title B)*. Interested persons may submit comments in writing to Charles G. Ditmer, Division Director, Division of Electronic Products, Bureau of Radiological Health, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. Comments can also be e-mailed to [ditmercg@dhec.sc.gov](mailto:ditmercg@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on May 26, 2015, the close of the drafting comment period

**Synopsis:**

The Department proposes comprehensive amendment to R.61-64, *X-Rays (Title B)*. General areas of this amendment include revisions seeking to strengthen equipment performance standards. The amendment will also include language changes to clarify organize and update the registration requirements. In addition, revisions may include amending the fee structure in accordance with the governing statute. Also under consideration are 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.

## 28 PROPOSED REGULATIONS

Document No. 4567

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 61

Statutory Authority: 1976 Code Section 44-1-140

61-49. Crabmeat.

#### **Preamble:**

The Department proposes repeal of R.61-49, *Crabmeat*. R.61-49 prescribes requirements for processors of crab meat and is intended to protect the health of consumers of crab meat. This regulation was last updated in 1976 and still refers to the implementing state agency as the South Carolina State Board of Health. The Department has determined that R.61-49 is obsolete and no longer needed. Currently, there are no crab meat processing facilities operating under this regulation, and no facility has operated under this regulation since 2001. This regulation been superseded by more up-to-date state and federal laws and regulations that address the storing, processing, and handling of seafood, including crab.

A Notice of Drafting for this proposed repeal of R.61-49 was published in the *State Register* on February 27, 2015.

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

Interested members of the public and regulated community also are invited to make oral or written comments on the proposed regulation repeal at a public hearing to be conducted by the Board of Health and Environmental Control on July 9, 2015. The Board will conduct the public hearing, Third Floor, Aycock Building of the S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are provided an opportunity to submit written comments on the proposed regulation by writing to Charles Gorman, P.G., Division of Water Monitoring, Assessment and Protection, Bureau of Water, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201 or by e-mail at [gormancm@dhec.s.gov](mailto:gormancm@dhec.s.gov). To be considered, written comments must be received no later than 5:00 p.m. on May 25, 2015, the close of the public comment period. Written comments received by the May 25, 2015 deadline shall be considered by the Department in formulating the final proposed regulation repeal for public hearing on July 9, 2015, as noticed below. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

A copy, of the final proposed regulation repeal for public comment, may be obtained by contacting Charles Gorman at the above address. Also, an electronic copy 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 "Water" topic and scroll down for R.61-49.

**Preliminary Fiscal Impact Statement:**

There are no anticipated new costs associated with the repeal of this regulation to the state or its political subdivisions.

**Statement of Need and Reasonableness:**

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

DESCRIPTION OF REGULATION: Repeal of R.61-49, *Crabmeat*.

Purpose: R.61-49, *Crabmeat* prescribes requirements for processors of crab meat and is intended to protect the health of consumers of crab meat. This regulation was last updated in 1976 and still refers to the implementing state agency as the South Carolina State Board of Health. Currently, there are no crab meat processing facilities operating under this regulation, and no facility has operated under this regulation since 2001. This regulation is obsolete and has been superseded by more up-to-date state and federal laws and regulations that address the storing, processing, and handling of seafood, including crab.

Legal Authority: 1976 Code Section 44-1-140.

Plan for Implementation: None.

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

In the interest of good government and efficiency, the Department proposes to repeal R.61-49, *Crabmeat*.

The regulation is obsolete and has been superseded by more up-to-date state and federal laws and regulations for the storage, processing and handling of crab to protect human health. The South Carolina Code of Laws, Section 39-25-180(K) and (L) incorporates by reference the federal Food, Drug and Cosmetic Act and associated federal regulation that address the storage, processing, and handling of fish and fishery products (Code of Federal Registers, Fish and Fishery Products, Title 21 Section 123; 21 CFR 123). The definition of "Fish" in federal regulation 21 CFR 123 includes crustaceans (crabs). A crab processor would be required to have and follow a Hazard Analysis and Critical Control Point (HACCP) Plan as defined in 21 CFR 123. A HACCP plan would contain process controls for the storage, processing and handling of food products in accordance with the latest FDA safety guidelines.

**DETERMINATION OF COSTS AND BENEFITS:**

The Department anticipates no fiscal or economic impact on the State or its political subdivisions and the regulated community by the repeal of this regulation.

Internal Costs: Implementation of the repeal will not require additional resources. There is no anticipated additional cost by the Department or State government.

External Costs: There are no anticipated additional external costs for repealing this regulation.

External Benefits: R.61-49 should be repealed because it has been superseded by more up-to-date state and federal laws and regulations that address the storing, processing, and handling of seafood, including crab. The repeal would remove superfluous regulations from the books.

### **30 PROPOSED REGULATIONS**

#### UNCERTAINTIES OF ESTIMATES:

None.

#### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

There are no anticipated negative effects on the environment and public health by the repeal of this regulation.

#### **Statement of Rationale:**

The Department has determined that R.61-49 is obsolete and no longer needed. Currently, there are no crab meat processing facilities operating under this regulation, and no facility has operated under this regulation since 2001. This regulation is obsolete and has been superseded by more up-to-date state and federal regulations that address the storing, processing, and handling of seafood, including crab.

#### **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. 4568

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

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

61-111. Standards for Licensing Tattoo Facilities.

#### **Preamble:**

Regulation 61-111 has not been substantively updated since its promulgation in 2006. The amendments to R.61-111 are necessary to update definitions, references, and codification. In addition, the amendments include updates to provisions relating to reporting requirements, licensing requirements, infection control and sterilization, design and construction, and fire and life safety. The amendments also incorporate provider-wide exceptions applicable to tattoo facilities. 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 February 27, 2015.

#### Section-by-Section Discussion of Proposed Amendments

Statutory authority for this regulation was amended to conform to codification standards.

#### TABLE OF CONTENTS

The table was revised to reflect the proposed amendments.

**61-111.100. Definitions (formerly 61-111.101)**

The definitions of 61-111.100.B Adult, and 61-111.100.E Authorized Healthcare Provider have been added. The definitions of 61-111.100.A (formerly 61-111.101.A) Administrator, 61-111.100.C (formerly 61-111.101.B) Aftercare Suggestions, 61-111.100.I (formerly 61-111.101.G) Consultation, 61-111.100.K (formerly 61-111.101.I) Department, 61-111.100.L (formerly 61-111.101.J) Direct Supervision, 61-111.100.M (formerly 61-111.101.K) Disinfection, 61-111.100.N (formerly 61-111.101.L) Experienced Tattoo Artist, 61-111.100.Q (formerly 61-111.101.O) Injection Equipment, 61-111.100.R (formerly 61-111.101.P) Inspection, 61-111.100.S (formerly 61-111.101.Q) Investigation, 61-111.100.U (formerly 61-111.101.T) Licensee, 61-111.100.V (formerly 61-111.101.U) Micropigmentation or Application of Permanent Cosmetics, 61-111.100.W (formerly 61-111.101.V) Minor, 61-111.100.Y (formerly 61-111.101.Z) Picture Identification, 61-111.100.BB (formerly 61-111.101.CC) Repeat Violation, 61-111.100.CC (formerly 61-111.101.DD) Revocation of License, 61-111.100.FF (formerly 61-111.101.GG) Sharps, 61-111.100.GG (formerly 61-111.101.HH) Single-use, 61-111.100.II (formerly 61-111.101.JJ) Sterile, 61-111.100.JJ (formerly 61-111.101.KK) Sterile of Sterilization, 61-111.100.LL (formerly 61-111.101.MM) Tattoo Artist, 61-111.100.MM (formerly 61-111.101.NN) Tattoo Artist Trainee, 61-111.100.NN (formerly 61-111.101.OO) Tattoo or Tattooing, and 61-111.100.QQ (formerly 61-111.101.RR) Work Station have been amended. The definitions of 61-111.101.R Legally Authorized Healthcare Provider, 61-111.101.X New Facility, and 61-111.101.Y Parental Consent have been deleted. The remaining definitions were renumbered to adjust the codification.

**61-111.102. References**

Section 61-111.102 has been deleted.

**61-111.200. LICENSE REQUIREMENTS**

The section title was amended for regulatory consistency.

**61-111.201. Scope of Licensure**

The section title was amended for regulatory consistency. Section 61-111.201.A (formerly 61-111.201.A.1) was amended to correct codification. Section 61-111.201.C (formerly 61-111.201.A.3) was amended to correct a section reference.

**61-111.202. License Application (formerly 61-111.201.F)**

Section 61-111.202 was relocated from former Section 61-111.201.F. The section was further amended to correct applicable section references and update the requirements for license applications.

**61-111.203. Compliance (formerly 61-111.201.B)**

Section 61-111.203 (formerly 61-111.201.B) was amended for regulatory consistency and to delineate the requirements of regulatory compliance.

**61-111.204. Issuance and Terms of License (formerly 61-111.201.E)**

Section 61-111.204 (formerly 61-111.201.E) has been amended to adjust the codification. Section 61-111.204.D (formerly 61-111.201.E.4) has been amended to allow for suspension or revocation of a license at any time. Section 61-111.204.F was relocated from former 61-111.201.F.3. Section 61-111.204.G was relocated from former 61-111.201.F.4. Section 61-111.204.H was relocated from former 61-111.201.J. Section 61-111.204.I was added to allow licensed facilities to continue utilizing the previously-licensed structure without building modification and shall comply with the remainder of the standards within the regulation.

**61-111.205. Licensing Fees (formerly 61-111.201.G)**

Section 61-111.205.A (formerly 61-111.201.G) was amended to allow licensing fees to be paid by credit card in addition to check or money order. Section 61-111.205.B (formerly 61-111.201.G.1) was amended to require facilities with more than eight (8) work stations to pay an additional fifty dollars (\$50.00) for each additional work station over eight (8). Section 61-111.205.C (formerly 61-111.201.G.2) was amended to correct a section reference.

## **32 PROPOSED REGULATIONS**

### **61-111.208. Change of License (formerly 61-111.201.H)**

Section 61-111.208.A.2 (formerly 61-111.201.H.2) was amended to require facilities to request a new or amended license if the facility changes the number of work stations in the facility. Section 61-111.208.B (formerly 61-111.201.H.4) was amended to require facilities to notify the Department by letter or application if there is a change in the facility name. Section 61-111.208.C was added to require facilities to notify the Department by letter or application if the facility changes locations from one geographic site to another.

### **61-111.209. Exceptions to the Licensing Standards (formerly 61-111.202)**

The section title was amended for clarity.

### **61-111.300. ENFORCEMENT OF REGULATIONS**

The section title was amended for regulatory consistency and the subsections were amended to update the codification.

#### **61-111.301. General**

Section 61-111.301 was amended to pertain to proposed or licensed facilities.

#### **61-111.302. Inspections and Investigations**

The section title was amended for regulatory consistency. Section 61-111.302.C was amended to clarify the requirements of photocopies of records for Department inspectors. Section 61-111.302.E was amended to allow the Department to charge a fee for licensing inspections.

#### **61-111.303. Consultations**

This section has been deleted.

### **61-111.400. ENFORCEMENT ACTIONS**

Section 61-111.402.F was amended to clarify language relating to monetary penalties and to update the table of monetary penalty actions.

### **61-111.500. POLICIES AND PROCEDURES**

Section 61-111.500.C (formerly 61-111.501.C) was amended to require that blood donor information and aftercare suggestions be included in the informed consent process.

### **61-111.600. STAFF AND TRAINING**

The section title was amended to indicate the regulatory items therein.

#### **61-111.601. General**

Section 61-111.601.B was amended to prohibit tattoo artists from being under the influence of any drugs, alcohol, or other substance that would impair his or her ability to perform tattooing. Section 61-111.601.F was relocated to Section 61-111.603.B.

#### **61-111.602. Administrator (formerly 61-111.601.C)**

The requirements of the facility administrator have been relocated from former Section 61-111.601.C.

#### **61-111.603. Inservice Training (formerly 61-111.602)**

Section 61-111.603.A.1 (formerly 61-111.602.A.1) was amended to require training at least annually in OSHA standards in bloodborne pathogens. Section 61-111.603.A.3 (formerly 61-111.602.A.3) was amended to expand accepted first aid training. Section 61-111.603.B (formerly 61-111.602.B) was amended to require trainees to have a minimum of one thousand (1000) hours of tattoo procedures training within the last thirty-six (36) months under direct supervision of an experienced tattoo artist prior to independently performing tattooing procedures.



**61-111.604. Health Status**

Section 61-111.604 was added to prohibit persons with or a carrier of a serious communicable disease, or persons having boils or open or infected skin lesions from having client contact.

**61-111.700. REPORTING**

This section was amended to adjust the codification.

**61-111.701. Accidents and/or Incidents**

The subsection title was amended for regulatory consistency and clarity. Section 61-111.701.A was amended to require facilities to submit reports of accidents and/or incidents to the Department within five (5) calendar days. Section 61-111.701.A was further amended to delineate the accidents and/or incidents required to be reported. Section 61-111.701.B was amended to delineate the requirements of the report submitted to the Department.

**61-111.702. Fire and Disasters**

The section title was amended for clarity and regulatory consistency.

**61-111.703. Administrator Change**

Section 61-111.703 was amended to require facilities to notify the Department in writing within ten (10) days of any change in administrator.

**61-111.704. Facility Closure**

Section 61-111.704.A was amended to require notification to the Department within ten (10) days prior to the permanent closure of a facility. Section 61-111.704.B was amended to require facilities to notify the Department within fifteen (15) days prior to temporary closure of a facility, and within twenty-four (24) hours of temporary closure due to emergency.

**61-111.801. Content**

Section 61-111.801.A was amended to require that the client record contain sufficient information to identify the client and verify the procedure(s) performed. Section 61-111.801.B.2 was amended to correct a section reference. Section 61-111.801.B.5 was deleted to remove references to parental consent. Section 61-111.801.B.5 (formerly 61-111.801.B.6) was amended to correct a section reference. Section 61-111.801.B.6 was added to require emergency contact information for clients to be included in the client's record. Section 61-111.801.D was amended to remove specific requirements of the release or aftercare note.

**61-111.802. Record Maintenance**

Section 61-111.802 was amended to clarify the requirements of record maintenance and retention.

**61-111.900. CLIENT PROCEDURES AND SERVICES**

The section title was amended for regulatory consistency. Section 61-111.900.B.1 (formerly 61-111.901.B.1) was amended to include the applicable statutory reference.

**61-111.1001. Informed Consent**

This section was amended to adjust the codification. Section 61-111.1001.B was added to require the informed consent process to include information related to disqualification that tattooing may confer upon a prospective blood donor.

**61-111.1002. Grievances and Complaints**

The section title was amended for regulatory consistency. Section 61-111.1002 was amended to require facilities to inform clients of the grievance procedure and include the address and phone number of the Department in the grievance procedure.

## **34 PROPOSED REGULATIONS**

### **61-111.1100. MAINTENANCE**

Section 61-111.1100.A (formerly 61-111.1100) has been amended to require facilities to keep the structure, component parts, amenities, and equipment in good repair and operation condition to perform the functions for which they were designed. Section 61-111.1100.B was added to require the physical plant to be maintained free of fire hazards or impediments to fire prevention.

### **61-111.1201. Staff Practices**

Section 61-111.1201 was amended to update and correct references to applicable regulatory documents and standards.

### **61-111.1202. Hepatitis B Vaccination**

Section 61-111.1202.A (formerly 61-111.1202) was amended to require all technicians to have the hepatitis B vaccination series unless the vaccine is contraindicated or the individual is offered the series and declines, and to require that the decision be documented. Section 61-111.1202.B was added to require those receiving the hepatitis B vaccination series to have the initial dose of the three (3) dose series within thirty (30) days of employment.

### **61-111.1203. Infection Control**

Section 61-111.1203 was amended for grammar and clarity regarding proper infection control practices.

### **61-111.1204. Sterilization of Equipment**

Section 61-111.1204.B was added to allow facilities utilizing single-use or disposable equipment and/or instruments to be exempt from re-sterilizing by autoclave those single-use and/or disposable items provided they are utilized and disposed of in accordance with the manufacturer's directions and not reused in any manner on another client. The remaining items were amended to adjust the codification.

### **61-111.1205. Housekeeping**

Section 61-111.1205.B (formerly 61-111.1205.D) has been amended to clarify the requirements of exterior housekeeping. Section 61-111.1205.C was added to clarify the requirements for discharge and disposal of dyes, inks, and pigments.

### **61-111.1206. Refuse Disposal**

Section 61-111.1206 was relocated from former Section 61-111.1205.B. Section 61-111.1206.A requires facilities to deposit all garbage and refuse in suitable watertight containers and dispose of rubbish and garbage in accordance with local requirements. Section 61-111.1206.B requires facilities to cover and store refuse containers outside on an approved platform and secured and thoroughly cleaned as necessary in a manner to prevent the creation of a nuisance.

### **61-111.1207. Infectious Waste (formerly 61-111.1206)**

Section 61-111.1207 (formerly 61-111.1206) was amended to conform to codification standards.

### **61-111.1301. Emergency Call Numbers**

Section 61-111.1301 was amended to require facilities to post emergency call data in a conspicuous place and to require at least telephone numbers of fire and police departments, ambulance service, and the poison control center, as well as names and contact information of staff members to be notified in case of emergency.

### **61-111.1302. Medical Emergencies**

Section 61-111.1302 was amended for grammar.

## **61-111.1400. FIRE PREVENTION AND PROTECTION**

This section title was amended for regulatory consistency.

**61-111.1402. Inspections**

Section 61-111.1402 was amended to require facilities to maintain and test fire protection systems in accordance with the applicable provisions of the codes officially adopted by the South Carolina State Fire Marshal.

**61-111.1403. Evacuation Plan**

Section 61-111.1403 was deleted and the requirements have been incorporated into Section 61-111.1403.B.

**61-111.1403. Fire Response Training (formerly 61-111.1404)**

Section 61-111.1403.A (formerly 61-111.1404) has been amended to require facilities to provide technicians and staff members with fire response training within forty-eight (48) hours of his or her first day of employment in the facility. Section 61-111.1403.A (formerly 61-111.1404) has been further amended to require new facilities seeking an initial permit to provide the Department with evidence of fire response training for each technician and staff member prior to the initial permitting inspection. Section 61-111.1403.A.7 has been added to require the fire evacuation plan and routes and procedures to be included in fire response training. Section 61-111.1403.B has been added to require the evacuation plan to be posted in conspicuous public areas throughout the facility.

**61-111.1501. General**

Section 61-111.1501 was amended was clarity regarding design and construction of facilities.

**61-111.1502. Adopted Codes and Standards**

Section 61-111.1502 was amended to require facility design and construction to comply with applicable provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.

**61-111.1601. General**

Section 61-111.1601.A was amended to require that the disinfection and sterilization room be separated from the procedure room by door, divider, or wall. Section 61-111.1601.A was further amended to prohibit facilities from storing or keeping supplies or equipment not utilized for disinfection or sterilization in the room used exclusively for disinfection or sterilization. Section 61-111.1601.B was added to require all rooms to have sufficient ventilation. Section 61-111.1601.C was added to require adequate potable water for the needs of the facility and accessible to clients. Section 61-111.1601.D was added to require adequate artificial lighting in the procedure rooms and disinfection or sterilization rooms. Section 61-111.1601.D was added to require emergency electrical service for procedure room lighting, corridor egress, and exit sign lighting.

**61-111.1602. Work Stations**

Section 61-111.1602.A was added to require work stations to be not less than sixty-four (64) square feet of floor space, exclusive of fixed cabinets or shelves. Section 61-111.1602.A was further amended to require that multiple work stations be separated by dividers, curtains, walls, or partitions measuring at least four (4) feet in height. Section 61-111.1602.C was added to require that work station be separated from client waiting areas by door, divider, curtain, wall, or partition.

**61-111.1603. Supplies and Medications**

Section 61-111.1603.B (formerly 61-111.1601.D) was amended to delineate the requirements for storing and disposing of medications. The remaining items of Section 61-111.1601 have been relocated to other sections of the regulation.

**61-111.1604. Restrooms (formerly 61-111.1602)**

Section 61-111.1604.C (formerly 61-111.1602.C) was amended to delete requirements of touchless controls on sinks.

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### **61-111.1701. Firefighting Equipment**

Section 61-111.1701 was amended to include the applicable section reference.

### **61-111.1702. Flammable Liquids**

Section 61-111.1702 was amended to include the applicable section reference.

### **61-111.1703. Furnishing and Equipment**

Section 61-111.1703.C was amended to delete inapplicable or outdated references.

### **61-111.1800. MOBILE UNITS AND TEMPORARY LOCATIONS**

Section 61-111.1800 (formerly 61-111.1801) was amended to include the applicable section reference.

### **61-111.1900. SEVERABILITY**

Section 61-111.1901 subsection title was deleted for clarity and codification.

### **61-111.2000. GENERAL**

Section 61-111.2001 subsection title was deleted for clarity and 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 July 9, 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](mailto:HealthRegComm@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on May 26, 2015, the close of the public comment period. Written comments received by the deadline, May 26, 2015, shall be considered by the Department in formulating the final proposed regulation for public hearing on July 9, 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 & Services Regulations" topic and scroll down for R.61-111.

### **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.61-111, *Standards for Licensing Tattoo Facilities*.

Purpose: The purpose of these amendments to R.61-111 is to update and clarify standards pertaining to tattoo facilities. These proposed amendments provide updates to licensing requirements, accident and/or incident reports, client rights, infection control and sterilization, regulation enforcement, emergency procedures, fire and life safety requirements, and construction design requirements. The amendments also incorporate provider-wide exceptions applicable to tattoo facilities. 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 44-34-10, et seq.

Plan for Implementation: Upon approval by the General Assembly and publication in the *State Register* as a final regulation, a copy of Regulation 61-111, 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:**

Pursuant to 1976 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 61-111 has not been substantively updated since its promulgation in 2006. These amendments are necessary to reflect updates in the applicable statutory authority, and update references to procedures, practices, and definitions that are outdated and/or inapplicable. The amendments further clarify and improve accident and/or incident reporting requirements, client rights, infection control and sterilization, emergency procedures, fire and life safety requirements, and incorporate provider-wide exceptions applicable to tattoo facilities.

**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.61-111 update and clarify permitting requirements, client rights, accident and/or incident reporting requirements, update emergency procedures and fire and life safety requirements, and clarify infection control and sterilization requirements.

**UNCERTAINTIES OF ESTIMATES:**

None.

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

The amendments to R.61-111 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.

## 38 PROPOSED REGULATIONS

### 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.61-111 pursuant to the 1976 Code Section 1-23-120(J) requirement that the Department perform a formal review of its regulations every five (5) years and update them if necessary. The amendments update R.61-111 to align with current statutory authority and current industry standards. The amendments address issues regarding licensing requirements, emergency procedures and fire and life safety requirements, accident and/or incident reporting ambiguities, update infection control and sterilization requirements to current standards, and incorporate provider-wide exceptions applicable to tattoo facilities.

### 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. 4569

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

61-109. Standards for Permitting Body Piercing Facilities.

### Preamble:

Regulation 61-109 has not been substantively updated since 2002. The amendments to R.61-109 are necessary to align the regulation with current statutory authority and current industry standards. The proposed amendments herein include the Department's effort to incorporate updates and clarification relating to permitting requirements, accident and/or incident reporting requirements, client rights, infection control and sterilization, regulation enforcement, emergency procedures, fire and life safety requirements, and construction design requirements. 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 February 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.

### TABLE OF CONTENTS

The table was revised to reflect the proposed amendments.

### 61-109.100. Definitions (formerly 61-109.101)

The definition of Responsible Party has been added to 61-109.100.T. The definitions of 61-109.100.A (formerly 61-109.101.A) Administrator, 61-109.100.B (formerly 61-109.101.B) Adult, 61-109.100.D (formerly 61-109.101.D) Authorized Healthcare Provider, 61-109.100.G (formerly 61-109.101.G) Consultation, 61-109.100.I (formerly 61-109.101.I) Department, 61-109.100.J (formerly 61-109.101.J) Disinfection, 61-109.100.M

(formerly 61-109.101.N) Inspection, 61-109.100.N (formerly 61-109.101.O) Investigation, 61-109.100.O (formerly 61-109.101.P) Minor, 61-109.100.P (formerly 61-109.101.R) Picture Identification, 61-109.100.S (formerly 61-109.101.U) Repeat Violation, 61-109.100.V (formerly 61-109.101.W) Sterilization, 61-109.100.X (formerly 61-109.101.Y) Technician have been amended. The definitions of 61-109.101.L Existing Facility, and 61-109.101.Q New Facility, have been deleted. The remaining definitions were renumbered to adjust the codification.

**61-109.102. References**

Section 61-109.102 has been deleted.

**61-109.200. PERMIT REQUIREMENTS (formerly 61-109.103)**

The amendment revises Section 61-109.200 (formerly 61-109.103) to adjust the codification.

**61-109.201. Scope of Permit (formerly 61-109.103.A)**

The amendment updates the subsection title of Section 61-109.201 (formerly 61-109.103.A) and corrects a section reference and citation format.

**61-109.202. Permit Application (formerly 61-109.103.E)**

Section 61-109.202 was relocated from former Section 61-109.103.E. The section was further amended to correct applicable section references and update the requirements for permit applications. Section 61-109.202.B.3 was added to require a written agreement with a public fire department arranging for emergency response, if applicable.

**61-109.203. Compliance (formerly 61-109.103.B)**

Section 61-109.203 (formerly 61-109.103.B) was amended to adjust the codification.

**61-109.204. Issuance and Terms of Permit (formerly 61-109.103.C)**

Section 61-109.204 (formerly 61-109.103.C) has been amended to adjust the codification and delineate violation classifications for certain items. Section 61-109.204.C (formerly 61-109.103.C.3) was amended to indicate permits are subject to suspension. Section 61-109.204.F (formerly 61-109.103.D) has been amended to allow permitted facilities to continue utilizing the previously-permitted structure without building modification.

**61-109.205. Permitting Fees (formerly 61-109.103.F)**

Section 61-109.205.A (formerly 61-109.103.F) was amended to allow permitting fees to be paid by check, credit card, or money order. The remaining items have been amended to adjust the codification.

**61-109.206. Permit Renewal (formerly 61-109.103.G)**

Section 61-109.206 (formerly 61-109.103.G) was amended to clarify the requirements for permit renewal and remove unnecessary language.

**61-109.207. Change of Permit (formerly 61-109.103.H)**

Section 61-109.207.A (formerly 61-109.103.H.1) has been amended to require facilities to request an amended permit prior to any change of ownership of the facility. Section 61-109.207.B (formerly 61-109.103.H.1.b) has been amended to require facilities moving from one geographic site to another to notify the Department by application or letter.

**61-109.300. ENFORCEMENT OF REGULATIONS (formerly 61-109.200)**

The section title was amended for regulatory consistency and the subsections were amended to update the codification.

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### **61-109.302. Inspections and Investigations (formerly 61-109.202)**

The subsection title was amended for regulatory consistency. Section 61-109.302.B (formerly 61-109.202.B) was amended to subject facilities to inspection or investigation at any time by legally authorized individuals. Section 61-109.302.C (formerly 61-109.202.C) was amended to clarify Department access during inspections and requirements of photocopies for inspection purposes. Section 61-109.302.E (formerly 61-109.202.E) was amended to allow the Department to charge a fee for permitting inspections. Sections 61-109.202.F and 61-109.202.G have been deleted as these requirements are incorporated into other parts of the regulation.

### **61-109.303. Probation (formerly 61-109.203)**

This section was updated to adjust the codification.

### **61-109.204. Consultations**

This section has been deleted.

### **61-109.400. ENFORCEMENT ACTIONS (formerly 61-109.300)**

This section was amended to update the codification. Section 61-109.401 (formerly 61-109.301) was amended to remove the certified or registered mail requirement. Section 61-109.402 (formerly 61-109.302) has been amended for regulatory consistency. Section 61-109.302.F has been deleted.

### **61-109.500. POLICIES AND PROCEDURES (formerly 61-109.400)**

Section 61-109.500.B (formerly 61-109.401.B) was amended to correct a grammatical error. Section 61-109.500.C was relocated from former Section 61-109.103.J.

### **61-109.600. STAFF AND TRAINING (formerly 61-109.500)**

The section title was amended to indicate the regulatory items therein. Section 61-109.601.A (formerly 61-109.501.A) was amended for grammar and clarity. Section 61-109.601.B (formerly 61-109.501.B) was amended to prohibit technicians from being under the influence of any drugs, alcohol, or other substance that would impair his or her ability to perform body piercing. Section 61-109.501.C was deleted and relocated to a new subsection.

### **61-109.602. Administrator (formerly 61-109.501.C)**

The requirements of the facility administrator have been relocated from former Section 61-109.501.C.

### **61-109.603. Inservice Training (formerly 61-109.502)**

Section 61-109.603.A (formerly 61-109.502.A) has been amended to delineate the required training for technicians and to incorporate applicable provider-wide exceptions for training.

### **61-109.604. Health Status (formerly 61-109.503)**

This section was amended to adjust the codification.

### **61-109.700. REPORTING (formerly 61-109.600)**

This section was updated to adjust the codification.

### **61-109.701. Accidents and/or Incidents (formerly 61-109.601)**

The subsection title was amended for regulatory consistency and clarity. Section 61-109.701.A (formerly 61-109.601.A) has been amended to require facilities to submit reports of accidents and/or incidents to the Department within five (5) calendar days. Section 61-109.701.A (formerly 61-109.601.A) was also amended to delineate the accidents and/or incidents required to be reported. Section 61-109.701.B (formerly 61-109.601.B) has been amended to delineate the requirements of the report submitted to the Department.

### **61-109.702. Fire and Disasters (formerly 61-109.602)**

The section title has been amended for clarity and regulatory consistency. Section 61-109.602.B has been deleted as these requirements have been consolidated to one paragraph.



**61-109.703. Administrator Change (formerly 61-109.603)**

Section 61-109.703 (formerly 61-109.603) has been amended to adjust the codification and for clarity and consistency.

**61-109.704. Facility Closure (formerly 61-109.604)**

Section 61-109.704.A (formerly 61-109.604) has been amended to require facilities to notify the Department within ten (10) days of the provisions for the maintenance of facility records. Section 61-109.704.B was added to address the requirements for temporary closure of facilities.

**61-109.800. CLIENT RECORDS (formerly 61-109.700)**

This section was amended to adjust the codification.

**61-109.801. Content (formerly 61-109.701)**

Section 61-109.801.A (formerly 61-109.701.A) has been amended to require that the client record contain sufficient information to identify the client and verify the procedure(s) performed. Section 61-109.801.B (formerly 61-109.701.B) has been amended to require in the client record the means of verification of the client's identity, an explanation of client rights including applicable informed consent documents, the site of the piercing, and emergency contact information for the client. Section 61-109.801.C (formerly 61-109.701.D) has been amended to require facilities to provide clients with a release or aftercare note.

**61-109.802. Record Maintenance (formerly 61-109.702)**

Section 61-109.802.C has been added to require facilities to maintain client records for at least six (6) years following release of the client and to require this information to be readily available to staff as needed and for Department inspections.

**61-109.900. CLIENT PROCEDURES AND SERVICES (formerly 61-109.800)**

The section title was amended to adjust the codification and for regulatory consistency.

**61-109.901. General (formerly 61-109.801)**

Section 61-109.901.E (formerly 61-109.801.E) has been amended to require technicians to obtain information from the client regarding any existing conditions that could affect the healing process or if he or she is taking medications that may thin the blood and/or interfere with blood clotting. Section 61-109.901.G has been added to require facilities to provide aftercare recommendations to the client prior to performing any body piercing procedure and delineates the requirements thereof.

**61-109.902. Procedures on Minors (formerly 61-109.802)**

Section 61-109.802.C has been deleted to conform to statutory authority.

**61-109.1000. CLIENT RIGHTS (formerly 61-109.900)**

This section has been amended to adjust the codification.

**61-109.1001. Informed Consent (formerly 61-109.901)**

Section 61-109.1001.C was added to require the informed consent process to include information relating to disqualification body piercing may confer upon a prospective blood donor, and aftercare recommendations for the body piercing procedure.

**61-109.1002. Grievances and Complaints (formerly 61-109.902)**

The section title has been amended for regulatory consistency. Section 61-109.1002 (formerly 61-109.902) has been amended to require facilities to inform the client or responsible party in writing of the grievance procedure.

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### **61-109.1003. Procedures and Charges (formerly 61-109.903)**

Section 61-109.1003 (formerly 61-109.903) has been amended to require procedures and charges to be stated in writing to the client or responsible party prior to the procedure and verified by the client or responsible party.

### **61-109.1100. MAINTENANCE (formerly 61-109.1000)**

Section 61-109.1100.A (formerly 61-109.1001.A) has been amended to require facilities to keep the structure, component parts, amenities, and equipment in good repair and operation condition to perform the functions for which they were designed.

### **61-109.1200. INFECTION CONTROL AND ENVIRONMENT (formerly 61-109.1100)**

The section title has been amended to adjust the codification.

### **61-109.1201. Staff Practices (formerly 61-109.1101)**

Section 61-109.1201 (formerly 61-109.1101) has been amended to update and correct references to other regulatory documents and standards.

### **61-109.1202. Hepatitis B Vaccination (formerly 61-109.1102)**

Section 61-109.1202.A (formerly 61-109.1102.A) has been amended to require all technicians to have the hepatitis B vaccination series unless the vaccine is contraindicated or the individual is offered the series and declines, and to require that the decision be documented. Section 61-109.1202.B (formerly 61-109.1102.B) has been amended to require those receiving the hepatitis B vaccination series to have the initial dose of the three (3) dose series within thirty (30) days of employment.

### **61-109.1203. Infection Control (formerly 61-109.1103)**

Section 61-109.1203.A.1 (formerly 61-109.1103.A.1) has been amended to require technicians to wash his or hands thoroughly for a minimum of twenty (20) seconds with water and a germicidal solution approved by the Department and used in accordance with the manufacturer's directions, and to require hand drying by single-use disposable paper towels or electric air dryer. Section 61-109.1203.A.3 (formerly 61-109.1103.A.3) has been amended to require the site of the body piercing to be cleaned in a sterile surgical manner and then swabbed with a disinfectant prior to piercing. Section 61-109.1203.A.4 (formerly 61-109.1103.A.4) has been amended to require technicians to utilize single-use sterile disposable gloves when setting up equipment and performing procedures on clients. Section 61-109.1203.A.7 (formerly 61-109.1103.A.7) has been amended to require that all single-use needles, razors, and other sharps be disposed of in accordance with Regulation 61-105, Infectious Waste Management Regulations.

### **61-109.1204. Sterilization of Equipment (formerly 61-109.1104)**

Section 61-109.1204.C has been added to allow facilities utilizing single-use or disposable equipment and/or instruments to be exempt from re-sterilizing by autoclave those single-use and/or disposable items provided they are utilized and disposed of in accordance with the manufacturer's directions and not reused in any manner on another client. The remaining items have been amended to adjust the codification.

### **61-109.1205. Housekeeping (formerly 61-109.1105)**

Section 61-109.1105.B has been deleted and relocated to new Section 61-109.1206. Section 61-109.1205.B (formerly 61-109.1105.C) has been amended to clarify the requirements of exterior housekeeping.

### **61-109.1206. Refuse Disposal**

Section 61-109.1206 was relocated from former Section 61-109.1105.B. Section 61-109.1206.A requires facilities to deposit all garbage and refuse in suitable watertight containers and dispose of rubbish and garbage in accordance with local requirements. Section 61-109.1206.B requires facilities to cover and store refuse containers outside on an approved platform and secured and thoroughly cleaned as necessary in a manner to prevent the creation of a nuisance.

**61-109.1207. Infectious Waste (formerly 61-109.1106)**

Section 61-109.1207 (formerly 61-109.1106) has been amended to conform to codification standards.

**61-109.1300. EMERGENCY PROCEDURES**

This section has been amended to adjust the codification.

**61-109.1301. Emergency Call Numbers (formerly 61-109.1201)**

Section 61-109.1301 (formerly 61-109.1201) has been amended to require facilities to post emergency call data in a conspicuous place and to require at least telephone numbers of fire and police departments, ambulance service, and the poison control center, as well as names and contact information of staff members to be notified in case of emergency.

**61-109.1302. Medical Emergencies (formerly 61-109.1202)**

Section 61-109.1302 (formerly 61-109.1202) has been amended for grammar.

**61-109.1400. FIRE PREVENTION AND PROTECTION (formerly 61-109.1300)**

Section 61-109.1400 (formerly 61-109.1300) and subsections have been amended to adjust the codification.

**61-109.1402. Inspections (formerly 61-109.1302)**

Section 61-109.1402 (formerly 61-109.1302) has been amended to require facilities to maintain and test fire protection systems in accordance with the applicable provisions of the codes officially adopted by the South Carolina State Fire Marshal.

**61-109.1303. Evacuation Plan**

Section 61-109.1303 has been deleted and the requirements have been incorporated into Section 61-109.1403 (formerly 61-109.1304).

**61-109.1403. Fire Response Training (formerly 61-109.1304)**

Section 61-109.1403.A (formerly 61-109.1304) has been amended to require facilities to provide technicians and staff members with fire response training within forty-eight (48) hours of his or her first day of employment in the facility. Section 61-109.1403.A (formerly 61-109.1304) has been further amended to require new facilities seeking an initial permit to provide the Department with evidence of fire response training for each technician and staff member prior to the initial permitting inspection. Section 61-109.1403.A.7 has been added to require the fire evacuation plan and routes and procedures to be included in fire response training. Section 61-109.1403.B has been added to require the evacuation plan to be posted in conspicuous public areas throughout the facility.

**61-109.1500. DESIGN AND CONSTRUCTION**

Section 61-109.1501 has been added to require facilities to be planned, designed, and equipped to provide and promote the health, safety, and well-being of each client. Section 61-109.1502 has been added to require facility design and construction to comply with applicable provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.

**61-109.1600. FACILITY ACCOMMODATIONS (formerly 61-109.1400)**

This section was amended to adjust the codification.

**61-109.1601. General (formerly 61-109.1401)**

Section 61-109.1601.A (formerly 61-109.1401.A) has been amended to require that the disinfection and sterilization room be separated from the procedure room by door, divider, or wall. Section 61-109.1601.A (formerly 61-109.1401.A) has been further amended to prohibit facilities from storing or keeping supplies or equipment not utilized for disinfection or sterilization in the room used exclusively for disinfection or sterilization. Section 61-109.1601.B has been added to require adequate artificial lighting in the procedure rooms

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and disinfection or sterilization rooms. Section 61-109.1601.C has been added to require emergency electrical service for procedure room lighting, corridor egress, and exit sign lighting.

### **61-109.1602. Procedure Rooms**

Section 61-109.1602.A has been added to require procedure rooms to be not less than sixty-four (64) square feet of floor space, exclusive of fixed cabinets or shelves. Section 61-109.1602.A further states that multiple work stations shall be separated by dividers, curtains, walls, or partitions measuring at least four (4) feet in height. Section 61-109.1602.C was added to require each procedure room to have a high efficiency particulate air (HEPA) filter.

### **61-109.1603. First Aid Kit (formerly 61-109.1401.C)**

Section 61-109.1603.E has been added to require that facility first aid kits be equipped with a cardiopulmonary resuscitation (CPR) mouth barrier device. The remaining items of Section 61-109.1401 have been deleted as these requirements have been incorporated into other sections of the regulation.

### **61-109.1604. Restrooms**

Section 61-109.1604.A was added to require facilities to have an appropriate number of restrooms to accommodate clients, staff, and visitors. Section 61-109.1604.B was added to delineate the required equipment in restrooms. Section 61-109.1604.C has been added to prohibit equipment and supplies used for body piercing from being stored in restrooms. Section 61-109.1604.D was added to require one (1) sink for every two (2) toilets in restrooms. Section 61-109.1604.E was added to require privacy at toilet fixtures and urinals. Section 61-109.1604.F was added to require facilities to provide restrooms for persons with disabilities. Section 61-109.1604.G was added to require that restroom floors be covered with an approved nonabsorbent covering and walls be nonabsorbent, washable surface to the highest level of splash.

### **61-109.1700. MOBILE UNITS (formerly 61-109.1500)**

Section 61-109.1700 (formerly 61-109.1501) has been amended to adjust the codification and to indicate the applicable violation classification for mobile units.

### **61-109.1800. SEVERABILITY (formerly 61-109.1600)**

Section 61-109.1800 (formerly 61-109.1600) has been amended to adjust the codification.

### **61-109.1900. GENERAL (formerly 61-109.1700)**

Section 61-109.1900 (formerly 61-109.1700) has been amended 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 July 9, 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](mailto:HealthRegComm@dhec.sc.gov). To be considered, written comments must be received no later than

5:00 p.m. on May 26, 2015, the close of the public comment period. Written comments received by the deadline, May 26, 2015, shall be considered by the Department in formulating the final proposed regulation for public hearing on July 9, 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 & Services Regulations" topic and scroll down for R.61-109.

**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.61-109, *Standards for Permitting Body Piercing Facilities.*

Purpose: The purpose of these amendments to R.61-109 is to update and clarify standards pertaining to body piercing facilities. These proposed amendments provide updates to permitting requirements, accident and/or incident reports, client rights, infection control and sterilization, regulation enforcement, emergency procedures, fire and life safety requirements, and construction design 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 44-32-10, et seq.

Plan for Implementation: Upon approval by the General Assembly and publication in the *State Register* as a final regulation, a copy of Regulation 61-109, 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:**

Pursuant to 1976 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 61-109 has not been substantively updated since 2002. Therefore, these amendments are necessary to reflect updates in the applicable statutory authority, and update references to procedures, practices, and definitions that are outdated and/or inapplicable. The amendments further clarify and improve accident and/or incident reporting requirements, client rights, infection control and sterilization, emergency procedures, and fire and life safety requirements.

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### 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.61-109 update and clarify permitting requirements, client rights, accident and/or incident reporting requirements, update emergency procedures and fire and life safety requirements, and clarify infection control and sterilization requirements.

### UNCERTAINTIES OF ESTIMATES:

None.

### EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The amendments to R.61-109 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 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.61-109 pursuant to the 1976 Code Section 1-23-120(J) requirement that the Department perform a formal review of its regulations every five (5) years and update them if necessary. The amendments update R.61-109 to align with current statutory authority and current industry standards. The amendments address issues regarding permitting requirements, emergency procedures and fire and life safety requirements, accident and/or incident reporting ambiguities, and update infection control and sterilization requirements to current standards.

### 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. 4566

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF EXAMINERS IN OPTICIANRY**  
CHAPTER 96

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

96-105. Examinations.

96-106. Apprenticeship Registration and Program Provisions.

96-107. Reinstatement of Lapsed License or Lapsed Apprenticeship.

### Preamble:

The South Carolina Department of Labor, Licensing and Regulation, Board of Opticianry Examiners proposes to amend its regulations to clarify the waiting period after unsuccessful examination attempts and to clarify that apprenticeship is a training period and not a subclass of practice.

Section-by-Section Discussion

96-105. Examinations.

(A)(1) no changes.

(A)(2) changes to clarify waiting period after unsuccessful examination attempt.

96-106. Apprenticeship Registration and Program Provisions.

(A)(1) no changes.

(A)(2)-(3) changes to clarify apprenticeship requirements.

(B)-(E) no changes.

(F) New language added to provide for extension of apprenticeships and requirements.

(G) renumbered.

96-107. Reinstatement of Lapsed License or Lapsed Apprenticeship.

(A)-(B) no changes.

(C) deleted language restricting apprenticeship reinstatement.

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

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on June 10, 2015. Written comments may be directed to Angela Combs, Administrator, Board of Examiners in Opticianry, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., May 26, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

These regulations are amended to clarify the waiting period after unsuccessful examination attempts and to clarify that apprenticeship is a training period and not a subclass of practice.

DESCRIPTION OF REGULATION:

Purpose: The Board is clarifying the waiting period after unsuccessful examination attempts and clarifying that apprenticeship is a training period and not a subclass of practice.

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

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

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

The proposed regulations will comport with the Board's practice act.

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

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

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

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

These regulations will have no effect on the environment.

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

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

### **Statement of Rationale:**

The updated regulations will comport with the Board's practice act.

### **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. 4502  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF DENTISTRY**  
 CHAPTER 39  
 Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-15-40

- 39-1. License to Practice Dentistry.
- 39-2. License to Practice Dental Hygiene.
- 39-3. Registration as a Dental Technician.
- 39-18. Mobile Dental Facilities and Portable Dental Operations.

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulations 39-1, 39-2, 39-3, and 39-18 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

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

**Instructions:**

Regulations 39-1, 39-2, 39-3, and 39-18 are amended as shown below.

**Text:**

**39-1. License to Practice Dentistry.**

- A. The South Carolina Board of Dentistry has no reciprocal licensure arrangement with any other jurisdiction.
- B. No applicant shall be examined by the Board to practice dentistry in this state unless the applicant shall;
  - (1) Be at least twenty-one (21) years of age.
  - (2) Present such evidence of good moral character as is required by the Board.
  - (3) Present to the Board satisfactory evidence of graduation from a dental college approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs of the American Dental Association. The Board may, in its discretion, accept as such satisfactory evidence of graduation any of the following:
    - (a) A notarized copy of the applicant's diploma or other certificate of graduation from an approved dental college.
    - (b) A sworn statement from the Dean of the dental college stating that the applicant has graduated from such dental college.
  - (4) Complete the application to practice dentistry in South Carolina on the form furnished by the Board at least forty-five (45) days prior to the date of the examination. In making the application the applicant authorizes the Board to verify the information contained in the application or to seek such further information pertinent to the applicant's qualification or character as the Board may deem proper.
  - (5) Pay to the Board a fee as prescribed by the Board at the same time the application is received by the Board.
- C. The Board shall require each applicant to successfully complete an examination before such applicant is licensed. The examination may be given either orally, or in writing, or by requiring a practical demonstration of the applicant's skill, or by any combination of such methods as the Board may in its discretion require. Each applicant shall furnish their own patient on the exam. The selection of this patient as well as the final treatment for this patient shall be considered in the final grade.
- D. The Board may automatically disqualify any person who may be detected using or attempting to use any unfair assistance during the exam.

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E. Dentists licensed in any state or territory of the United States may be issued a license to practice dentistry in this State if the applicant complies with the provisions of Regulation 39-1(B) and Section 40-15-275 and pays a fee for licensure by credentials. The Board may waive a portion of the fee upon agreement with an applicant to practice exclusively in a rural county for not less than two consecutive years.

F. The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-12 and on the South Carolina Board of Dentistry website at <http://lir.sc.gov/POL/Dentistry>.

### 39-2. License to Practice Dental Hygiene.

A. The South Carolina State Board has no reciprocal licensure arrangement with any other jurisdiction.

B. No applicant shall be examined by the Board to practice dental hygiene in this state unless applicant shall:

(1) Present such evidence of good moral character as is required by the Board.

(2) Present to the Board satisfactory evidence of graduation from a school of dental hygiene approved by the Commission on Accreditation of Dental and Dental Auxiliary Education Programs of the American Dental Association. The Board may, in its discretion, accept as such satisfactory evidence of graduation any of the following:

(a) A notarized copy of the applicant's diploma or other certificate of graduation from a school of dental hygiene accredited by the council on Dental Education of the American Dental Association.

(b) A sworn statement from the Dean or Registrar of a school of dental hygiene stating that the applicant has graduated from such school of dental hygiene.

(3) Complete the application to practice dental hygiene in South Carolina on the form furnished by the Board at least forty-five (45) days prior to the date of the examination. In making the application the applicant authorizes the Board to verify the information contained in the application or to seek such further information pertinent to the applicant's qualification or character as the Board may deem proper.

(4) The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-12 and on the South Carolina Board of Dentistry website at <http://lir.sc.gov/POL/Dentistry>.

C. The Board shall require each applicant to successfully complete an examination before such applicant is licensed. The examination may be given either orally, or in writing, or by requiring a practical demonstration of the applicant's skill, or by any combination of such methods as the Board may in its discretion require.

(1) The Board may automatically disqualify any person who may be detected using or attempting to use any unfair assistance during the exam.

### 39-3. Registration as a Dental Technician.

A. The South Carolina State Board has no reciprocal arrangement with any other jurisdiction.

B. No applicant shall be examined by the Board to practice as a dental technician unless he or she shall:

(1) Be at least twenty-one (21) years of age.

(2) Present such evidence of good moral character as is required by the Board.

(3) Present to the satisfaction of the Board evidence that the applicant has graduated from high school, or the equivalent, and present to the satisfaction of the Board, evidence that such applicant has completed a two (2) year course of study in a school for dental technological work acceptable to the Board or, in the alternative, has performed dental technological work under the direct supervision of a licensed dentist or registered dental technician for a period of three (3) years.

(4) Complete the application for registration as a dental technician on the form furnished by the Board at least forty-five (45) days prior to the date of the examination. In making the application, the applicant authorizes the Board to verify the information contained in the application or to seek such further information pertinent to the applicant's qualification or character as the Board may deem proper.

(5) Pay to the Board a fee as prescribed by the Board at the same time the application is received by the Board. The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-12 and on the South Carolina Board of Dentistry website at <http://lir.sc.gov/POL/Dentistry>.

C. The Board shall require each applicant to successfully complete an examination before such applicant is registered. The examination may be given either orally, or in writing, or by requiring a practical demonstration of the applicant's skill, or by any combination of such methods as the Board may in its discretion require.

(1) The Board may automatically disqualify any person who may be detected using or attempting to use any unfair assistance during the exam.

### **39-18. Mobile Dental Facilities and Portable Dental Operations.**

#### **A. Applicability.**

This regulation applies to an organization or dental practice utilizing a licensed dentist or dental hygienist to operate a mobile dental facility or portable dental operation who:

- (1) provides dental or dental hygiene services; and
- (2) does not have a physically stationary office at the location where the services are provided.

#### **B. Exceptions.**

(1) Federal, state, and local governmental agencies as well as Federally Qualified Health Centers (FQHCs) are exempt from the requirements of this regulation.

(2) Dentists licensed to practice in South Carolina who have not registered with the Board to operate a mobile dental facility or a portable dental operation may provide dental services through the use of dental instruments, materials, and equipment taken out of a dental office without registering if the service is provided as emergency treatment for their patients of record.

#### **C. Definitions.**

As used in this regulation unless the context indicates otherwise:

(1) "Mobile dental facility" means any self-contained facility in which dentistry or dental hygiene will be practiced, which may be moved, towed, or transported from one location to another.

(2) "Portable dental operation" means dental equipment utilized in the practice of dentistry or dental hygiene that is transported to and utilized on a temporary basis at an out-of-office location, including, but not limited to:

- (a) other dentists' offices;
- (b) patients' homes;
- (c) schools;
- (d) nursing homes; or
- (e) other institutions or locations.

(3) "Operator" means the organization or dental practice engaged in providing dental or dental hygiene services directly or through persons authorized by law to provide the services.

(4) "Organization or dental practice" means persons or entities that provide dental or dental hygiene services to others.

#### **D. Registration.**

(1) In order to operate a mobile dental facility or portable dental operation, the operator shall first register with the Board.

(2) For registration purposes, each mobile dental facility or portable dental operation must be registered. Such registration may not be issued until the mobile dental facility or portable dental operation has passed an inspection as provided in this regulation.

(3) The applicant shall complete an application in the form and manner required by the Board.

(4) The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-12 and on the South Carolina Board of Dentistry website at <http://lir.sc.gov/POL/Dentistry>.

(5) The applicant shall provide the Board with evidence of compliance with the requirements of this regulation.

(6) The applicant shall submit proof of any applicable radiographic equipment inspection with the application for registration.

#### **E. Inspection.**

(1) An initial inspection of each mobile dental facility or portable dental operation shall be conducted by a representative of the Department/Board at a time and place to be designated by staff. Inspections may be scheduled throughout the year. Upon satisfactory inspection, the registrant will be issued a sticker, with the current year indicated, to be affixed to the mobile dental facility or portable dental operation in a place designated by the Board.

(2) Mobile dental facilities shall be inspected annually upon renewal of registration.

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(3) Portable dental operations shall be inspected upon initial registration. Thereafter, the registration may be renewed annually without inspection, unless there has been a substantial repair, replacement, or modification made that requires inspection in the interest of patient safety before use on patients.

### F. Official business or mailing address.

(1) The operator of a mobile dental facility or portable dental operation shall maintain an official business address of record, which shall not be a post office box and which shall be filed with the Board. A mailing address, if different than the business address and used on an official basis, shall be provided as well.

(2) The operator of a mobile dental facility or portable dental operation shall maintain an official telephone number of record, which shall be filed with the Board.

(3) The Board shall be notified within thirty (30) days of any change in the address or telephone number of record.

(4) All written or printed documents available from or issued by the mobile dental facility or portable dental operation shall contain an official address and telephone number of record for the mobile dental facility or portable dental operation.

(5) All dental and official records shall be maintained and available for inspection and copying upon request by the representatives of the Board.

### G. Written procedures; communication facilities; conformity with requirements.

The operator of a mobile dental facility or portable dental operation shall ensure the following:

(1) There is a written procedure for emergency or follow-up care for patients treated in the mobile dental facility or portable dental operation and that such procedure includes prior arrangements for emergency or follow-up treatment in a medical or dental facility, as may be appropriate, that is located in the area where services are being provided.

(2) The mobile dental facility has communication devices to enable immediate contact with appropriate persons in the event of a medical or dental emergency. The communications devices must enable the patient or the parent or guardian of the patient treated to contact the operator for emergency care, follow-up care, or information about treatment received. The provider who renders follow-up care must also be able to contact the operator and receive treatment information, including radiographs.

(3) The mobile dental facility complies with all applicable federal, state, and local laws, regulations, and ordinances dealing with radiographic equipment, flammability, construction, sanitation, zoning, infectious waste management, universal precautions, OSHA guidelines, access by persons with disabilities as required by state and federal law, and federal Centers for Disease Control Guidelines, and the applicant possesses all applicable county and city licenses or permits, including business licenses, to operate the unit at the location where services are being provided.

(4) The mobile dental facility has carbon monoxide detection devices installed and in proper working order.

(5) No services are performed on minors without a signed consent form from the parent or guardian.

(6) During or at the conclusion of each patient's visit to the mobile dental facility or portable dental operation, the patient, or patient's parent or guardian if the patient is a minor, is provided with an information sheet and that if the patient has provided consent to an institutional facility to assist in the patient's dental health records, the institution is provided with a copy of the information sheet. An institutional facility includes, but is not limited to, a long term care facility or school, and that the information sheet includes the following:

(a) pertinent contact information as provided by this section;

(b) the name of the dentist and other dental staff who provided services and their license numbers, if applicable;

(c) a description of the treatment rendered, including billed service codes and, in the instance of fee for service patients, fees associated with treatment and tooth numbers when appropriate;

(d) a description of any dental needs either observed during a hygienist's screening or diagnosed during a dentist's evaluation;

(e) a recommendation that the patient see another dentist if the mobile dental facility or the portable dental operation is unable to provide the follow-up treatment described in subitem (d).

### H. Follow-up treatment services.

A mobile dental facility that accepts a patient and provides preventive treatment, including prophylaxis, radiographs, and fluoride, but does not follow-up with treatment or follow-up on referral for treatment when such treatment is clearly indicated, is considered to be abandoning the patient. Appropriate and accessible

(within the patient's geographic area) arrangements must be made for treatment services on a follow up basis. Reasonable attempts to have follow up treatment in an instance where a patient does not re-appear for treatment or does not meet a scheduled appointment is not abandonment.

I. Physical requirements for mobile dental facility.

The operator shall ensure that the mobile dental facility or portable dental operation has the following:

- (1) ready access to a ramp or lift if services are provided to disabled persons;
- (2) a properly functioning sterilization system;
- (3) ready access to an adequate supply of potable water, including hot water;
- (4) ready access to toilet facilities;
- (5) a covered galvanized, stainless steel, or other noncorrosive container for deposit of refuse and waste materials.

J. Identification of personnel; notification of changes in written procedures; display of licenses.

(1) The operator shall identify and advise the Board in writing within thirty (30) days of any personnel change relative to all licensed dentists and licensed dental hygienists associated with the mobile dental facility or portable dental operation by providing the full name, address, telephone numbers, and license numbers where applicable.

(2) The operator shall advise the Board in writing within thirty (30) days of any change in the written procedure for emergency follow-up care for patients treated in the mobile dental facility, including arrangements for treatment in a dental facility, which is permanently established in the area. The permanent dental facility shall be identified in the written procedure.

(3) Each dentist and dental hygienist providing dental services in the mobile dental facility or portable dental operation shall prominently display his or her authorization to practice in this State in plain view of patients.

K. Identification of location of services.

(1) Each operator of a mobile dental facility or portable dental operation shall maintain a confidential written or electronic record detailing for each location where services are provided, including:

- (a) the street address of the service location;
- (b) the dates and times of each session;
- (c) the number of patients served; and
- (d) the types of dental services provided to each patient by name and quantity of each service provided.

(2) The confidential written or electronic record shall be made available to the Board within ten (10) days of a request by the Board. Costs for such records shall be borne by the mobile dental facility or portable dental operation.

L. Licensed dentist in charge.

A mobile dental facility or portable dental operation shall at all times be in the charge of a dentist licensed to practice dentistry in this State, who is responsible for services provided at the mobile dental facility or portable dental operation.

M. Prohibited operations.

The operator of a mobile dental facility or portable dental operation is prohibited from hiring, employing, allowing to be employed, or permitting to work in or about a mobile dental facility or portable dental operation, any person who performs or practices any occupation or profession regulated under Title 40 who is not duly authorized in accordance with state law.

N. Information for patients.

(1) During or at the conclusion of each patient's visit to the mobile dental facility or portable dental operation, the patient shall be provided with an information sheet. If the patient has provided consent to an institutional facility to access the patient's dental health records, the institution shall also be provided with a copy of the information sheet. An institutional facility includes, but is not limited to, a long term care facility or school.

(2) An information sheet shall include the following:

- (a) pertinent contact information as required by this regulation;
- (b) the name of the dentist and other dental staff who provided services and their license numbers, if applicable;

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(c) a description of the treatment rendered, including billed service codes and, in the instance of fee for service patients, fees associated with treatment, and tooth numbers when appropriate;

(d) a description of any dental needs either observed during a dental hygienist's screening or diagnosed during a dentist's evaluation;

(e) if necessary, referral information to another dentist.

### O. Cessation of operations.

(1) Upon cessation of operation by the mobile dental facility or portable dental operation, the operator shall notify the Board within thirty (30) days of the last day of operations in writing of the final disposition of patient records and charts.

(2) If the mobile dental facility or portable dental operation is sold, a new registration application must be filed with the Board.

(3) Upon choosing to discontinue practice or services in a community, the operator of a mobile dental facility or portable dental operation shall:

(a) notify all of the operator's active patients in writing, or by publication once a week for three (3) consecutive weeks in a newspaper of general circulation in the community, that the operator intends to discontinue the mobile dental facility's or portable dental operation's practice in the community; and

(b) encourage the patients to seek the services of another dentist.

(4) The operator shall make reasonable arrangements with the active patients of the mobile dental facility or portable dental operation for the transfer of the patient's records, including radiographs or copies thereof, to the succeeding practitioner or, at the written request of the patient, to the patient.

(5) As used in this section, "active patient" applies and refers to a person whom the mobile dental facility or portable dental operation has examined, treated, cared for, or otherwise consulted with during the two (2) year period prior to discontinuation of practice, or moving from or leaving the community.

### P. Renewal of registration.

(1) The registration of mobile dental facilities and portable dental operations shall be renewed in accordance with a schedule set by the Department of Labor, Licensing and Regulation and the forms approved by the Board on the dates in the form and manner provided by the Board.

(2) The registrant shall pay the registration renewal fee in an amount set by the Department of Labor, Licensing and Regulation.

### Q. Failure to comply.

Failure to comply with state statutes or regulations regulating the practice of dentistry, dental hygiene, and the operation of mobile dental facilities or portable dental operations may subject the operator and all practitioners providing services through a mobile dental facility or portable dental operation to disciplinary action.

### **Fiscal Impact Statement:**

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

### **Statement of Rationale:**

The updated regulations will centralize fee schedules and remove duplicative and outdated information.

Document No. 4507

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

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

93-100. Fees [and Fee Schedule].

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 93-100 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

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

**Instructions:**

Regulation 93-100 is amended as shown below.

**Text:**

93-100. Fees [and Fee Schedule].

A. The Board shall set fees in amounts to be sufficient to provide for administering the Act.

B. The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-21 and on the South Carolina Board of Long Term Health Care Administrators website at <http://llr.sc.gov/POL/LongTermHealthCare/>.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

The updated regulation will centralize fee schedules and remove duplicative and outdated information.

Document No. 4509

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

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-47-10

81-300. Fees.

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 81-300 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

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

### **Instructions:**

Regulation 81-300 is amended as shown below.

### **Text:**

81-300. Fees.

The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-24 and on the South Carolina Board of Medical Examiners website at <http://llr.sc.gov/POL/Medical/>.

### **Fiscal Impact Statement:**

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

### **Statement of Rationale:**

The updated regulation will centralize fee schedules and remove duplicative and outdated information.

Document No. 4511  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF EXAMINERS IN OPTICIANRY**  
CHAPTER 96

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

96-109. Fees

### **Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 96-109 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

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

### **Instructions:**

Regulation 96-109 is amended as shown below.

### **Text:**

96-109. Fees.

The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-27 and on the South Carolina Board of Examiners in Opticianry website at <http://llr.sc.gov/POL/Opticians/>.

### **Fiscal Impact Statement:**

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



**Statement of Rationale:**

The updated regulation will centralize fee schedules and remove duplicative and outdated information.

Document No. 4513  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF PODIATRY EXAMINERS**  
 CHAPTER 134  
 Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-51-40

134-20. Fees to Practice Podiatry  
 134-40. Fees for Examinations

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulations 134-20 and 134-40 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulations a link to the Board's website where the fees will also appear.

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

**Instructions:**

Regulations 134-20 and 134-40 are amended as shown below.

**Text:**

134-20. Fees to Practice Podiatry.

The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-32 and on the South Carolina Board of Podiatry Examiners website at <http://llr.sc.gov/POL/Podiatry/>.

134-40. Fees for Examinations.

The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-32 and on the South Carolina Board of Podiatry Examiners website at <http://llr.sc.gov/POL/Podiatry/>.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

The updated regulations will centralize fee schedules and remove duplicative and outdated information.

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Document No. 4515

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF EXAMINERS IN PSYCHOLOGY  
CHAPTER 100**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-55-85

100-7. Fees.

### **Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 100-7 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

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

### **Instructions:**

Regulation 100-7 is amended as shown below.

### **Text:**

100-7. Fees.

The Board may charge nonrefundable fees as shown in South Carolina Code of Regulations Chapter 10-34 and on the South Carolina Board of Examiners in Psychology website at <http://lir.sc.gov/POL/Psychology/>.

### **Fiscal Impact Statement:**

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

### **Statement of Rationale:**

The updated regulation will centralize fee schedules and remove duplicative and outdated information.