

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2014 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	1/10	2/14	3/14	4/11	5/9	6/13	7/11	8/8	9/12	10/10	11/14	12/12
Publishing Date	1/24	2/28	3/28	4/25	5/23	6/27	7/25	8/22	9/26	10/24	11/28	12/26

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

SUBSCRIPTIONS

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

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4350			Law Enforcement Officer and E-911 Officer Training and Certification (Re-number and Reorganize)	5/13/15	South Carolina Criminal Justice Academy
4345			Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	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
4464			Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	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
4454			Commissioners	5/13/15	Public Service Commission
4455			Proceedings	5/13/15	Public Service Commission

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4350	Law Enforcement Officer and E-911 Officer Training and Certification (Renummer and Reorganize)	Judiciary	Judiciary
4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4466	Procedures for Contested Cases		
4461	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries		
4464	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence		
4468	Hypodermic Devices; and Drugs and Devices		
4454	Commissioners		
4455	Proceedings		

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC NOTICE

NOTICE TO AMEND AIR QUALITY STATE IMPLEMENTATION PLAN (SIP) -
TRANSPORTATION CONFORMITY

Statutory Authority: The Clean Air Act, 42 U.S.C. Section 7401 *et seq.*; 42 U.S.C. Sections 7407, 7410, 7504 and 7506; 40 CFR Parts 51.102, 81.106 through 81.114; S.C. Code Ann. Section 48-1-10 *et seq.* (2008 & Supp. 2013)

NOTICE IS HEREBY GIVEN, the South Carolina Department of Health and Environmental Control (the Department) is proposing to amend the South Carolina Air Quality State Implementation Plan (SIP) to meet obligations of the United States Environmental Protection Agency (EPA) concerning transportation conformity.

Opportunity for Public Comment:

Interested persons are invited to present their views in writing to Roger Jerry, Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. Comments may also be submitted via email to jerryre@dhec.sc.gov. To be considered, comments must be received by December 29, 2014. If requested, a public hearing will be held on January 6, 2015, at 1:00 pm in the Wallace Room (3141), 2600 Bull Street, Columbia, South Carolina. The public is invited to attend. However, pursuant to 40 CFR 51.102, if no request for a public hearing is received by the close of the comment period, the hearing will be cancelled. If the public hearing is cancelled, the Department will notify the public at least one week prior to the scheduled hearing via the link on the webpage at <http://www.scdhec.gov/PublicNotices/sip/>. Interested persons may also contact Roger Jerry at (803) 898-1799 or jerryre@dhec.sc.gov for more information or to find out whether a public hearing will be held.

Synopsis:

On September 27, 1996, a Memorandum of Agreement (MOA), negotiated between the Department and the South Carolina Department of Transportation (SC DOT), was published in the *South Carolina State Register*. The purpose of the MOA was to formally incorporate the applicable provisions of the transportation conformity review process in accordance with the requirements of the Federal Clean Air Act (CAA), as promulgated by EPA on November 24, 1993 (58 FR 62188) in 40 CFR Part 51, Subpart T, and as amended August 7, 1995 (60 FR 40098), and November 14, 1995 (60 FR 57179). The transportation conformity rule requires Federal and State agencies to determine, prior to taking any action on transportation plans, programs, and projects, that such action will conform to a SIP to maintain the National Ambient Air Quality Standards (NAAQS). The transportation conformity regulation applies only to areas that are designated nonattainment or maintenance for any of the following criteria pollutants: ozone, carbon monoxide, particulate matter, nitrogen dioxide, and precursor pollutants. 40 CFR 93.102

As part of the 2004 SIP amendment, the Department incorporated into the SIP a new MOA to implement Section 176 of the CAA, as amended (42 U.S.C. 7506), the related requirements of 23 U.S.C. 109(j), and regulations under 40 CFR Part 93, Subpart A. The parties to this MOA are as follows: each of the Metropolitan Planning Organizations (MPO) (as described in Exhibit 1 of the MOA), the Department, SC DOT, Federal Highway Administration – South Carolina Division Office (FHWA), the Federal Transit Administration (FTA), the EPA Region 4 (EPA), and local publicly-owned transit agencies not represented by aforementioned MPOs. Exhibit 2 of the MOA is the “South Carolina Criteria and Interagency Consultation Procedures for the Determination of the Conformity of Transportation Plans, Programs, and Projects,” which provides for interagency consultation, resolution of conflicts, and public consultation procedures.

4 NOTICES

On May 6, 2005, the EPA promulgated a final rule entitled, “Transportation Conformity Rule Amendments for the New PM_{2.5} National Ambient Air Quality Standard: PM_{2.5} Precursors” (70 FR 24280). This final rule specified the transportation-related PM_{2.5} precursors and when they would apply in transportation conformity determinations in PM_{2.5} nonattainment and maintenance areas. On August 10, 2005, the “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, P.L. 109-59) was signed into law. SAFETEA-LU amended the CAA by: changing the required frequency of transportation conformity determinations from three years to four years; providing two years to determine conformity after new SIP motor vehicle emissions budgets are either found adequate, approved, or promulgated; adding a one-year grace period before the consequences of a conformity lapse apply; providing for an option for reducing the time period addressed by conformity determinations; streamlining requirements for conformity SIPs; and providing procedures for areas to use in substituting or adding transportation control measures (TCMs) to approved SIPs. On January 24, 2008, the EPA again promulgated amendments to the Transportation Conformity Regulations to finalize provisions that were published in May 2007 (73 FR 4420). These amendments were necessary to make the final rule consistent with the CAA Section 176(c) as amended by SAFETEA-LU, including changes to the regulations to reflect that the CAA now provides more time for state and local governments to meet conformity requirements and streamlining other provisions. The Department amended its SIP to address the requirements of the Transportation Conformity Rule Amendments for the New PM_{2.5} National Ambient Air Quality Standard: PM_{2.5} Precursors and the SAFETEA-LU amendments, pursuant to Section 176(c) of the CAA. The SIP was duly amended and the changes took effect upon publication in the *South Carolina State Register* on November 28, 2008. EPA approved the amended Transportation Conformity SIP through a Direct Final Rule on July 28, 2009 (74 FR 37168).

The Department is now proposing updates to the Memorandum of Agreement. Proposed amendments will update signatories, add the Lowcountry Area Transportation Study (LATS) in the list of MPOs, and make revisions to the “Interagency Consultation Procedures for the Determination of the Conformity of Transportation Plans, Programs and Projects.” These proposed amendments will clarify the responsibilities of the MPO in scheduling, coordinating and documenting an initial meeting; the responsibilities of the MPO designated lead agency in scheduling meetings to resolve comments and issues; corrects typographical errors, and reorganizes the MOA for ease of reading.

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 November 28, 2014 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 Beaufort County

Construction for the establishment of a new forty (40) bed rehabilitation hospital by way of the transfer of all fourteen (14) rehab beds from Beaufort Memorial Hospital, the transfer of all ten (10) rehab beds from PACE Healthcare, and the addition of fourteen (14) new rehab beds.

Reliant Bluffton, LLC d/b/a Reliant Bluffton Rehabilitation Hospital

Bluffton, South Carolina

Project Cost: \$19,750,296

Affecting Charleston County

Renovation of existing facility to add one (1) endoscopy only room for a total of five (5) endoscopy only rooms.
Charleston Endoscopy Center, LLC
Charleston, South Carolina
Project cost: \$407,832

Renovation of an existing facility to install a hybrid operating room (OR).
Roper Hospital, Inc. d/b/a Roper Hospital
Charleston, South Carolina
Project cost: \$5,886,031

Affecting Cherokee County

Establishment of a new outpatient Narcotic Treatment Program (NTP) to provide methadone treatment.
Brent Brady d/b/a Gaffney Treatment Specialist, Inc.
Gaffney, South Carolina
Project cost: \$375,000

Affecting Horry County

Construction of a new standalone hospice facility with thirty-six (36) hospice beds.
Embrace Hospice of South Carolina, LLC d/b/a Embrace Hospice House of the Grand Strand
Myrtle Beach, South Carolina
Project cost: \$4,349,773

Construction of a new, freestanding Emergency Department (ED).
Grand Strand Regional Medical Center, LLC d/b/a North Stand Medical Center
Myrtle Beach, South Carolina
Project cost: \$9,227,955

Affecting Lexington County

Renovation of an existing facility to add a 3rd comprehensive cardiac catheterization lab.
Lexington County Health Services District, Inc. d/b/a Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$2,039,471

Affecting Pickens County

Construction of an addition to an existing facility to add sixteen (16) non-institutional nursing home beds at a total project cost of \$2,497,936.
CARC, Inc. d/b/a Clemson Area Retirement Center - Health Care Center
Clemson, South Carolina
Project Cost: \$2,497,936

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 November 28, 2014. "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.

6 NOTICES

Affecting Aiken County

Renovation of an existing facility to add observation rooms and fourteen (14) medical/surgical beds for a total of one hundred forty-three (143) medical/surgical beds.

Aiken Regional Medical Centers

Aiken, South Carolina

Project Cost: \$782,534

Affecting Anderson County

Acquire a daVinci Robotic Surgery System.

AnMed Health d/b/a AnMed Health Medical Center

Anderson, South Carolina

Project Cost: \$2,502,860

Construction of an addition to an existing facility to add a hybrid operating room (OR).

AnMed Health d/b/a AnMed Health Medical Center

Anderson, South Carolina

Project Cost: \$8,259,773

Affecting Berkeley County

Construction of a new imaging facility and acquisition of a 3.0T MRI unit.

Palmetto Primary Care Physicians, LLC d/b/a Palmetto Primary Care Diagnostic Imaging Center Summerville, South Carolina

Project Cost: \$4,155,069

Affecting Charleston County

Establishment of a new outpatient Narcotic Treatment Program (NTP) to provide methadone treatment.

Crossroads Treatment Center of Charleston, PC

Charleston, South Carolina

Project Cost: \$264,396

Center for Advanced Surgery, LLC (North Charleston (Ladson, SC)

Construction of a new Ambulatory Surgical Facility (ASF) with two (2) operating rooms (OR).

North Charleston, South Carolina

Project Cost: \$5,183,385

Affecting Horry County

Establishment of a new outpatient Narcotic Treatment Program (NTP) to provide methadone treatment.

Crossroads Treatment Center of Myrtle Beach, PC

Myrtle Beach, South Carolina

Project Cost: \$411,304

Renovation of an existing facility to add new psychiatric services and twenty (20) psychiatric beds for a total of twenty (20) psychiatric beds.

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

Myrtle Beach, South Carolina

Project Cost: \$6,552,816

Affecting Lexington County

Construction of an addition to an existing rehabilitation facility and renovation of existing space with no increase in bed capacity.

LexMed Inc. d/b/a Lexington Medical Center Extended Care
Lexington, South Carolina
Project Cost: \$3,300,000

Construction of a new hospice facility with thirty (30) hospice beds.

Carolinas Community Hospice, Inc./Agape Community Hospice d/b/a Agape House of Lexington
Lexington, South Carolina
Project Cost: \$4,144,164

Renovation of an existing facility to add a 3rd comprehensive cardiac catheterization lab.

Lexington County Health Services District, Inc. d/b/a Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$2,039,471

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

The South Carolina Department of Health and Environmental Control (Department) has established the following permit guidance for fumigation activities. This guidance will be used to determine the following: what type of permit action is required; how to process permits/exemptions for fumigation activities that emit hazardous air pollutants (HAPs), toxic air pollutants (TAPs), and volatile organic compounds (VOCs); and how state and federal air regulations apply such as SC Regulation 61-62.5, Standards 7 (Prevention of Significant Deterioration) and 8 (Toxic Air Pollutants), Clean Air Act Section 112(g), and 40 CFR 70 (Title V Operating Permit Program).

The Department has developed a guidance document, in the form of a memo, to be used by Bureau of Air Quality (BAQ) staff in making the determinations. This guidance will be maintained by the Department and periodically published in the *South Carolina State Register*. Additionally, this guidance will be maintained on the Department website at: <http://www.scdhec.gov/Environment/AirQuality/Training>.

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

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document 4484

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the *State Register* on September 26, 2014, identified as Document 4484, to promulgate amendments of Regulation 61-84, *Standards for Licensing Community Residential Care Facilities*.

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The aforementioned Notice scheduled a write-in public comment period that closed October 27, 2014, and gave notice of a Public Hearing scheduled before the Board of Health and Environmental Control for November 13, 2014.

Due to time needed for the Department to evaluate the comments received during the public comment period, the Public Hearing originally scheduled for November 13, 2014, has been cancelled and rescheduled before the Department's Board for December 11, 2014. The hearing will be held at the regularly-scheduled Board meeting on December 11, 2014, in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

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

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document 4498

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the *State Register* on October 24, 2014, identified as Document 4498, to promulgate amendments of Regulation 61-75, *Standards for Licensing Day Care Facilities for Adults*. The aforementioned Notice scheduled a write-in public comment period that closed November 24, 2014, and gave notice of a Public Hearing scheduled before the Board of Health and Environmental Control for December 11, 2014.

Due to time needed for the Department to evaluate the comments received during the public comment period, the Public Hearing originally scheduled for December 11, 2014, has been cancelled and rescheduled before the Department's Board for January 8, 2015. The hearing will be held at the regularly-scheduled Board meeting on January 8, 2015, in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

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

STATE BOARD OF EDUCATION**ERRATA**

43-205, Administrative and Professional Personnel Qualifications, Duties, and Workloads (Doc. 4479)

Administrative and Professional Personnel Qualifications, Duties, and Workloads appears in the September 26, 2014 *State Register* on page 25. The public hearing date has been changed from November 12, 2014 to January 21, 2015 at 1:00 p.m.

STATE BOARD OF EDUCATION**ERRATA**

43-259. Adult Education (Doc. 4491)

Adult Education, appears in the October 24, 2014 *State Register* on page 21. The public hearing date has been changed from December 10, 2014 to January 21, 2015 at 1:00 p.m.

STATE BOARD OF EDUCATION**ERRATA**

43-232. Defined Program 6–8 (Doc. 4476)

43-232, Defined Program 6–8 appears in the September 26, 2014 *State Register* on page 27. The public hearing date has been changed from November 12, 2014 to January 21, 2015 at 1:00 p.m.

STATE BOARD OF EDUCATION**ERRATA**

43-234, Defined Program, Grades 9–12 and Graduation Requirements (Doc. 4477)

Defined Program, Grades 9–12 and Graduation Requirements appears in the September 26, 2014, *State Register* on page 29. The public hearing date has been changed from November 12, 2014 to January 21, 2015 at 1:00 p.m.

STATE BOARD OF EDUCATION**ERRATA**

43-57.5, Military Service (Doc. 4492)

Military Service appears in the October 24, 2014 *State Register* on page 23. The public hearing date has been changed from December 10, 2014 to January 21, 2015 at 1:00 p.m.

10 NOTICES

STATE BOARD OF EDUCATION

ERRATA

43-168, Nutritional Standards for Elementary Schools (K–5) School Food Service Meals and Competitive Foods (Doc. 4493)

Nutritional Standards for Elementary Schools (K–5) School Food Service Meals and Competitive Foods appears in the October 24, 2014 *State Register* on page 25. The public hearing date has been changed from December 10, 2014 to January 21, 2015 at 1:00 p.m.

STATE BOARD OF EDUCATION

ERRATA

43-601, Procedures and Standards for Review of Charter School Applications (Doc. 4494)

Procedures and Standards for Review of Charter School Application, appears in the October 24, 2014 *State Register* on page 28. The public hearing date has been changed from December 10, 2014 to January 21, 2015 at 1:00 p.m.

STATE BOARD OF EDUCATION

ERRATA

43-165.1, Program for Assisting, Developing and Evaluating Principal Performance (PADEPP) (Doc. 4495)

Program for Assisting, Developing and Evaluating Principal Performance (PADEPP) appears in the October 24, 2014 *State Register* on page 31. The public hearing date has been changed from December 10, 2014 to January 21, 2015 at 1:00 p.m.

STATE BOARD OF EDUCATION

ERRATA

43-62, Requirements for Additional Areas of Certification (Doc. 4478)

Requirements for Additional Areas of Certification, appears in the September 26, 2014 *State Register* on page 31. The public hearing date has been changed from November 12, 2014 to January 21, 2015 at 1:00 p.m.

DEPARTMENT OF LABOR, LICENSING AND REGULATION

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation intends to adopt the latest edition of the following nationally recognized code as set forth herein below:

1. Safety Standards for Elevators and Escalators, (ASME) A17.1-2013/CSA B44-13, 2013 edition. This latest version of the code was originally published on October 21, 2013 and became effective on April 21, 2014, with the exceptions of Requirements 8.10.1.1.3 and 8.11.1.1, which became effective immediately.

Since publication in October of 2013, the following revisions and editorial changes were made. The Department intends to incorporate these changes as stated:

<u>Page</u>	<u>Location</u>	<u>Change</u>
vii-xii	ASME Foreword	Revised
xxi-xxii	ASME Preface	Revised
xxiv	CSA Preface	Revised
1	1.1.1	In subpara. (c), last sentence revised
2	1.1.4	Revised
	1.2.2	Title editorially revised
2, 5, 6-8, 10, 13-18	Section 1.3	(1) Definition of <i>accredited certifying organization</i> ; accrediting body; base, building; control, mechanical-hydraulic; conveyor, vertical reciprocating (VRC); driving machine, traction climbing; elevator, outside emergency; elevator discharge level; elevator, wind turbine tower; guide rope fixes; guiding means, ladder; hard, copy; maintenance control program (MCP); maintenance interval; maintenance procedure; maintenance task; Occupant Evacuation Operation; operation, automatic call; operation, automatic send; pallet band; platform, landing; records, electronic; seal, adjustment; SIL rated; step band; sway control guide, sway control guide suspension means; tail line; and travel path added.

2. The original promulgating authority for this code is:
The American Society of Mechanical Engineers (ASME)
22 Law Drive/Box 2300
Fairfield, New Jersey 07007-2300

12 NOTICES

3. This code is referenced by:

South Carolina Code of Laws, Sections 41-16-10 et seq., and specifically in South Carolina Code of Laws, Section 41-16-40(2).

Elevator Safety Regulations 71-5100(1.).

The Department of Labor, Licensing and Regulation specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Duane Scott by mail at 110 Centerview Drive, Columbia, SC 29210, by fax at 803-896-7650, or by email to duane.scott@llr.sc.gov.

If no comments are received within thirty (30) days of publication of this notice (sixty (60) days notice of the prior publication dated October 31, 2014), the Department of Labor, Licensing and Regulation will promulgate this latest edition as stated without amendment.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL

NOTICE OF GENERAL INTEREST

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to adopt the following building codes for use in the State of South Carolina.

Mandatory codes include the:

2015 Edition of the International Building Code;
2015 Edition of the International Residential Code;
2015 Edition of the International Fire Code;
2015 Edition of the International Plumbing Code;
2015 Edition of the International Mechanical Code;
2015 Edition of the International Fuel Gas Code;
2014 Edition of the National Electrical Code.

Permissive codes include the:

2015 Edition of the International Property Maintenance Code;
2015 Edition of the International Existing Building Code;
2015 Edition of the International Swimming Pool and Spa Code
2015 Edition of the International Performance Code for Buildings and Facilities.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Roger K. Lowe, Council Administrator, at PO Box 11329, Columbia, SC 29211-1329, on or before April 1, 2015.

**DEPARTMENT OF LABOR, LICENSING, AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**

NOTICE OF GENERAL PUBLIC INTEREST

**NOTICE OF PUBLIC HEARING
OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

South Carolina Department of Labor, Licensing and Regulation (SCDLLR) does hereby give notice under Section 41-15-220, SC Code of Laws, 1976, as amended, that a public hearing will be held on January 6, 2015 at 10:00 at the SCDLLR, Room 108, 110 Centerview Drive, Columbia, SC at which time interested persons will be given the opportunity to appear and present views on the occupational safety and health standards being considered for adoption.

The hearing is to determine if the Director of the SCDLLR will promulgate, revoke, or modify Rules and Regulations pursuant to Section 41-15-210, SC Code of Laws, 1976.

OSH Rules and Regulations being considered at the hearing are as follows:

In Subarticle 6 (General Industry):

Revisions to Sections: 1910.269, Table R-3- AC Live-line Work Minimum Approach Distance, Appendix A-2 to Subpart V of Part 1910.269-Application of 1910.269 and Subpart S of this Part to Electrical Safety-Related Work Practices.

In Subarticle 7 (Construction):

Revisions to Sections: 1926.960, 1926.968, 1926.1427, Appendix B to Subpart V of Part 1926. In Subarticle 8 (Agriculture):
Revision to Section: 1928.110, Field Sanitation.

Summary of changes: SC OSHA is revising the general industry standards for electric power generation, transmission and distribution work and for electric protective equipment and the construction standard for electric power transmission and distribution work. A new construction standard for electrical protective equipment is also being adopted. SC OSHA is also correcting errors in the preamble and regulatory text of the final rule for Electric Power Generation, Transmission and Distribution. These updates will make the general industry and construction standards consistent. Furthermore, SC OSHA is issuing a final rule to extend the deadline for crane operators until November 10, 2017 and extending its employer duty to ensure crane operators are competent to operate a crane safely for the same three year period. Finally, SC OSHA is revising and updating the definition of potable water in the field sanitation standard for the agriculture industry.

Any omissions or corrections to the occupational safety and health standards being considered for adoption published in the FEDERAL REGISTER prior to this hearing may be presented at this hearing. These revisions are necessary to comply with federal law and copies of them can be obtained or reviewed at SCDLLR during normal business hours by contacting the OSHA office at 803-896-5811.

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Persons desiring to speak at the hearing shall file with the Director of LLR a notice of intention to appear and the approximate amount of time required for her/his presentation on the particular matter no later than December 31, 2014. Any person who wishes to express her/his views, but is unable or does not desire to appear and testify at the hearing, should submit those views in writing on or before December 31, 2014.

Holly Pisarik, Director
SCDLLR
O Box 11329
Columbia, SC 29211-1329

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

Statutory Authority: 1976 Code Section 44-7-150

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-15, Certification of Need for Health Facilities and Services. Interested persons are invited to submit written comments to Robert B. (Sam) Phillips, Division of Planning and Certification of Need, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at phillipb@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on December 8, 2014, the close of the drafting comment period.

Synopsis:

The Department proposes revisions to sections of R.61-15, Certification of Need for Health Facilities and Services relating to the application form, the overall application process and review, and supporting provisions. The Department may also make stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining/codification, and such other changes as may be necessary to improve the overall quality of the regulation.

Legislative review is required.

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

Statutory Authority: 1976 Code Section 40-1-70

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes to move fees from 91-31(b) and 91-31(c) to Chapter 10-25. Interested persons may submit comments to Holly Pisarik, Director, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Nursing, proposes to move fees from 91-31(b) and 91-31(c) to Chapter 10-25.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71**

Statutory Authority: 1976 Code Section 41-15-210

Notice of Drafting:

The South Carolina Occupational Safety and Health Administration proposes to amend its regulations regarding recordkeeping to comport with federal regulations. Interested parties may submit comments to Dottie Ison, Administrator, S.C. OSHA, S.C. Department of Labor, Licensing and Regulation, P O Box 11329, Columbia, SC 29211-1329.

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Synopsis:

The South Carolina Occupational Safety and Health Administration proposes to amend its regulations regarding recordkeeping to comport with federal regulations.

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Section 50-11-2200

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-209 "Term and Conditions for the Public's Use of Lakes and Ponds Owned by the Department of Natural Resources" and 123-210 "Term and Conditions for the Public's Use of Lakes and Ponds Leased by the Department of Natural Resources". The subject of the proposed action is to establish and revise under S.C. Code Section 50-11-2200 the terms and conditions for the public use of lakes owned or leased by the S.C. Department of Natural Resources that previously were established under repealed S.C. Code Section 50-13-2011. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will allow for the public use of lakes and ponds owned or leased by the Department and managed as a part of the State Lakes Program for public fishing. The regulations establish opening and closure times and dates, possession limits, size limits, methods for taking fish and other use allowances and restrictions for lake and ponds in the State Lakes Program.

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Section 50-11-2200

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-40 "Wildlife Management Area Regulations", 123-51 "Turkey Hunting Rules and Seasons", 123-52 "Either-sex days and Antlerless Deer Limits for Private Lands in Game Zones 1-6." The subject of the proposed action is to amend the regulations to modify existing seasons, methods and bag limits and add one new waterfowl management area to allow additional hunting opportunity. Additional changes are necessary in order to achieve conformity between WMA regulations and current statute regarding configuration of South Carolina's game zones. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will allow the expansion of existing seasons and methods within the current season framework to allow additional opportunity on existing and new Wildlife Management Areas. These regulations set seasons, bag limits and methods of hunting and taking of wildlife and other restrictions on Wildlife Management Areas and set either-sex days and antlerless deer limits for private lands in all game zones. Additionally, these regulations are needed to achieve conformity between WMA regulations and current statute regarding configuration of South Carolina's game zones.

Document No. 4525

OFFICE OF THE ATTORNEY GENERAL

CHAPTER 13

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

- 13-203. Recognized Securities Manuals.
- 13-206. Intrastate Offering Exemption.
- 13-304. Underwriting Expenses, Underwriter Warrants, Selling Expenses, and Selling Security Holders.
- 13-401. Examinations for Securities Agents, Investment Advisers, and Investment Adviser Representatives.
- 13-403. Broker-Dealer, Agent, Investment Adviser, and Investment Adviser Representative Registrations, Terminations, and Brochure Delivery.
- 13-404. Criminal Record Requirement for Agents and Investment Adviser Representatives.
- 13-406. Investment Adviser Minimum Capital and Bonding Requirements.
- 13-408. Recordkeeping Requirements for Investment Advisers.
- 13-409. Sole Proprietor Investment Advisers.
- 13-410. Investment Adviser Representatives Registered with Multiple Investment Advisers.
- 13-411. The Use of Senior-Specific Certifications and Professional Designations.
- 13-412. Fees.
- 13-502. Dishonest or Unethical Practices by Investment Advisers, Investment Adviser Representatives and Federal Covered Advisers.
- 13-503. Advertising Filing Requirement.
- 13-601. Financial Statements Submitted with an Application to Register Securities or used in a Prospectus.
- 13-603. Consent to Service of Process.

Preamble:

The Office of the Attorney General proposes to amend certain current Regulations and promulgate additional regulations to implement the South Carolina Uniform Securities Act of 2005 and to reflect other developments in securities regulation since 2005. The Notice of Drafting regarding these regulations was published on August 22, 2014, in the *State Register*.

Section-by-Section Discussion

- 13-203. This section is amended to reflect the change in the name of a Securities Manual.
- 13-206. Sets forth the requirements to rely on an exemption from registration for certain intrastate offerings.
- 13-304. This section is amended to correct the formula for underwriter warrants.
- 13-401. This section is amended to set forth the examination requirements and examination exemption requirements for investment advisers and investment adviser representatives.
- 13-403. This section is amended to reflect the change from NASD to FINRA, further clarify the requirements for investment adviser and investment adviser representative registrations, to allow for agent of the issuer registration, and to set forth the requirements for brochure delivery by investment advisers.
- 13-404. This section is amended to reflect the change from NASD to FINRA, and to include agents of the issuer.
- 13-406. This section is amended to modify the net worth calculation requirements.
- 13-408. This section is amended to incorporate certain model rule recordkeeping requirements for investment advisers.
- 13-409. Sets forth the requirements that sole proprietors must register as both investment advisers and investment adviser representatives.
- 13-410. This section allows investment adviser representatives to register with multiple investment advisers.
- 13-411. Sets forth the prohibition on the use of certain senior-specific and professional designations.
- 13-412. Sets forth the filing fees for an agent of the issuer.
- 13-502. This section is amended to clarify that investment advisers with custody of client funds are held to the requirements of Rule 206(4)-2 of the Investment Advisers Act of 1940.

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13-503. This section is amended to require only certain advertising to be filed with the Securities Commissioner.

13-601. This section is amended to clarify what financial statements are to be submitted to the Securities Commissioner.

13-603. This section is updated to reflect the number of different forms that will serve as acceptable service of process.

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, such a hearing will be held at the Office of the Attorney General, 1000 Assembly Street, Columbia, S.C. on December 30, 2014, at 10:00 am. If no qualifying request is received by December 29, 2014, the hearing will be cancelled. Written comments may be directed to J. Louis Cote III, Assistant Attorney General, Securities Division, Office of the Attorney General, PO Box 11549, Columbia, SC 29211, not later than December 29, 2014.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: South Carolina Securities Regulations.

Purpose: To update certain current regulations to reflect recent changes in federal and state securities laws, and to enact new regulations to implement portions of the South Carolina Uniform Securities Act of 2005.

Legal Authority: S.C. Code Ann. Section 35-1-101 et seq.

Plan for Implementation: The proposed regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

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

The Attorney General, as Securities Commissioner, oversees and enforces the provisions of the South Carolina Uniform Securities Act of 2005. The implementation of these proposed regulations will promote compliance with the Act, the protection of investors, and capital formation in South Carolina.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional costs incurred by the State or any political subdivision. The proposed regulations will reflect recent developments in securities regulation, promote compliance with the Act, and promote capital formation in South Carolina.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations will have no effect on the environment or public health of this State.

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

There will be no detrimental effects on the environment and public health if the regulations are not implemented in this State.

Statement of Rationale:

The regulations are being added to reflect developments in securities regulation since 2005, promote capital formation, and to better implement provisions of the South Carolina Uniform Securities Act of 2005.

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. 4527

DEPARTMENT OF CONSUMER AFFAIRS

CHAPTER 28

Statutory Authority: 1976 Code Sections 37-7-101 et seq.,
Particularly Sections 37-7-112 and 37-7-121

28-700. Consumer Credit Counseling Requirements

Preamble:

The department proposes to amend Regulation 28-700. The proposed regulation modifies the fees credit counseling organizations licensed under 1976 Code Section 37-7-101 *et seq.* may charge the consumers.

The proposed regulation will require legislative review.

Notice of Drafting for the proposed regulation was published in the *State Register* on September 26, 2014. Comments were solicited for consideration in drafting the proposed regulation.

Section-by-Section Discussion

28-700(B) Changes the fees that a credit counseling organization or credit counselor may charge a consumer where such fees are based on the services contracted for. Allows for additional fees to be charged if prior approval for such fees has been obtained from the department.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons should submit comments to James C. Copeland, Staff Attorney, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, S.C. 29250-5757, by December 29, 2014, at 5:00 pm. Should a public hearing be requested, the hearing will be held at the department on January 5, 2015, at 2:00 p.m. in the Conference Room, 2221 Devine Street, Suite 200, Columbia, S.C. 29205.

Preliminary Fiscal Impact Statement:

The department estimates the costs incurred by the State in complying with the proposed regulation will be approximately \$0. Licensing fees are intended to offset administrative costs to the State and are based on experience with similar industries.

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Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Consumer Credit Counseling Requirements.

Purpose: The proposed regulation modifies the fees consumer credit counseling organizations may charge consumers.

Legal Authority: 1976 Code Sections 37-7-101 *et seq.*, particularly Sections 37-7-112 and 37-7-121.

Plan for Implementation: Administrative.

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

Regulation 28-700 was last amended June 26, 2009. Pursuant to 1976 Code Section 1-23-120(J), the department is required to perform a review of its regulations every five years and update them if necessary. The proposed regulation is intended to modify the fees organizations licensed under S.C. Code Ann. Section 37-7-101 *et seq.* can charge consumers.

DETERMINATION OF COSTS AND BENEFITS:

Licensing fees assessed through S.C. Code Ann. Section 37-7-101 *et seq.* are at levels intended to offset the costs of administering the regulation.

UNCERTAINTIES OF ESTIMATES:

Estimates are based on agency experience in regulating the industry. Should the number of filings vary greatly, estimates could change. However, since costs to the State should be covered by the service charges set in S.C. Code Ann. Section 37-7-101 *et seq.*, impact should be minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The department is revising this regulation pursuant to the requirement that state agencies review its regulations every five years and update them if necessary. The amendment of this regulation modifies the fees a licensee may charge consumers for services contracted.

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. 4528
DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28
Statutory Authority: 1976 Code Sections 37-16-10 et seq.,
Particularly Section 37-16-90

28-1100. Prepaid Legal Services Certificate of Registration

Preamble:

The department proposes to promulgate Regulation 28-1100 to clarify registration requirements and processes regarding prepaid legal services companies and representatives and to provide for summary submission of representatives for renewal.

Section 37-16-90 allows the Department to promulgate regulations necessary to effectuate the purposes of Title 37, Chapter 16.

The proposed regulation will require legislative review.

Notice of Drafting for the proposed regulation was published in the *State Register* on September 26, 2014. Comments were solicited for consideration in drafting the proposed regulation.

Section-by-Section Discussion

28-1100 Clarifies registration requirements and processes regarding prepaid legal services companies and representatives and provides for summary submission of representatives for renewal

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons should submit comments to Kelly H. Rainsford, Director of Regulatory Enforcement, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, S.C. 29250-5757, by December 29, 2014. Should a public hearing be requested, the hearing will be held at the Department on January 5, 2015, at 2:00 p.m. in the Conference Room, 2221 Devine Street, Suite 200, Columbia, S.C. 29204.

Preliminary Fiscal Impact Statement:

The Department of Consumer Affairs estimates the costs incurred by the State in complying with the proposed regulation will be approximately \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Prepaid Legal Services Certificate of Registration.

Purpose: The purpose of the regulation is to clarify registration requirements and processes regarding prepaid legal services companies and representatives and to provide for summary submission of representatives for renewal.

Legal Authority: 1976 Code Sections 37-16-10 et seq., particularly Section 37-16-90.

Plan for Implementation: Administrative.

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

The regulation is needed to clarify registration requirements and processes regarding prepaid legal services companies and representatives.

DETERMINATION OF COSTS AND BENEFITS:

Licensing fees assessed are at levels intended to offset the costs of administering the regulation.

UNCERTAINTIES OF ESTIMATES:

Current fees are based on agency experience in regulating the industry. Should the number of filings vary greatly, estimates could change. However, since costs to the State should be covered by the licensing fees set in S.C. Code Sections 37-16-10 et seq., impact should be minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

Section 37-16-90 specifically provides for the department to promulgate regulations necessary for the implementation of Chapter 16. It is necessary to promulgate a regulation to clarify licensing requirements and provide for summary submission of representatives for renewal.

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. 4523
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-101 through 37-110. Article 5, Adjudication of Misconduct Allegations

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed additions to the regulations will formalize the agency level contested case hearing process, including requests for contested case hearing, failure to request a contested case hearing, docketing, discovery, hearing format and requirements; failure to appear at contested case hearing, final decision by the Law Enforcement Training Council, sanctions, recusal of Council members, and right to be represented by counsel.

Notice of Drafting for the proposed amendments was published in the *State Register* on August 22, 2014.

Section-by-Section Discussion

Article 5 (New)

- 37-101 This section deals with requests for contested case hearings.
- 37-102 This section deals with what happens if an officer fails to request a contested case hearing.
- 37-103 This section deals with prosecution of the allegation of misconduct and docketing of the contested case hearing.
- 37-104 This section deals with discovery in preparation for the contested case hearing.
- 37-105 This section deals with the mechanics of how the contested case hearing will run, including notice of the hearing and issuance of a recommendation after the hearing.
- 37-106 This section deals with failure of the agency or the officer to appear at the contested case hearing.
- 37-107 This section deals with the Council's issuance of the final agency decision.
- 37-108 This section outlines the sanctions available in cases of misconduct, including a voluntary consent to sanctions provision.
- 37-109 This section deals with recusal of Council members and/or the Director in certain situations.
- 37-110 This section deals with a candidate/officer's right to be represented by Counsel.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on January 28, 2014 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. 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 record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on January 26, 2014. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on January 28, 2014, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increase in costs to the Academy as the requirements put forth by these regulations track those created by the Administrative Procedures Act.

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Statement of Need and Reasonableness:

DESCRIPTION OF REGULATIONS:

Purpose: The purpose of these proposed changes is to formalize the agency level contest case hearing process, including requests for contested case hearing, failure to request a contested case hearing, docketing, discovery, hearing format and requirements; failure to appear at contested case hearing, final decision by the Law Enforcement Training Council, sanctions, recusal of Council members, and right to be represented by counsel.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations will take effect upon approval by the General Assembly and publication in the State Register.

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

The proposed regulations will formalize the agency level contest case hearing process, including requests for contested case hearing, failure to request a contested case hearing, docketing, discovery, hearing format and requirements; failure to appear at contested case hearing, final decision by the Law Enforcement Training Council, sanctions, recusal of Council members, and right to be represented by counsel.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increase in costs to the Academy as the requirements put forth by these regulations track those created by the Administrative Procedures Act.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Revisions to these regulations are necessary to formalize the agency level contest case hearing process, including requests for contested case hearing, failure to request a contested case hearing, docketing, discovery, hearing format and requirements; failure to appear at contested case hearing, final decision by the Law Enforcement Training Council, sanctions, recusal of Council members, and right to be represented by counsel.

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. 4524
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
 CHAPTER 37
 Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-100. Suspension of Certification Due to Criminal Charges and/or Indictment.

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. S.C. Code §23-23-10 et seq. requires the Law Enforcement Training Council to certify and evaluate eligibility for certification of law enforcement officers in the state of South Carolina. Consistent with this authorization, the Training Council has noted some currently certified law enforcement officers are charged and/or indicted for crimes that, if they resulted in a conviction, could result in disqualification under S.C. Code §23-23-60, S.C. Regulation 38-004, and/or S.C. Regulation 38-016. Due to the potential danger posed to the public in allowing these individuals to remain actively engaged in law enforcement duties while such charges are pending, the Training Council believes this permanent regulation is necessary. This regulation was filed as an emergency regulation on August 1, 2014 at 12:30 p.m., when the legislature was not in session, and was, therefore, also refiled as an emergency regulation pursuant to S.C. Code §1-23-130(C).

Notice of Drafting for the proposed regulation was published in the *State Register* on August 22, 2014.

Section-by-Section Discussion

Article 5 (New)

37-100 This section deals with suspending certification when law enforcement officers are charged or indicted for crimes which, if they resulted in a conviction, could result in disqualification under S.C. Code §23-23-60, S.C. Regulation 38-004, and/or S.C. Regulation 38-016.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on January 28, 2014 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. 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 record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on January 26, 2014. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on January 28, 2014, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be very little increase in costs to the Academy as the Academy already has several notification requirements in the regulations that could be joined with the requirements of this regulation.

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Statement of Need and Reasonableness:

DESCRIPTION OF REGULATIONS:

Purpose: The purpose of the proposed regulation is to allow the automatic suspension of law enforcement certification when currently certified law enforcement officers are charged and/or indicted for crimes that, if they resulted in a conviction, could result in disqualification under S.C. Code §23-23-60, S.C. Regulation 38-004, and/or S.C. Regulation 38-016. Due to the potential danger posed to the public in allowing these individuals to remain actively engaged in law enforcement duties while such charges are pending, the Training Council believes this permanent regulation is necessary.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations will take effect upon approval by the General Assembly and publication in the State Register.

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

The purpose of the proposed regulation is to allow the automatic suspension of law enforcement certification when currently certified law enforcement officers are charged and/or indicted for crimes that, if they resulted in a conviction, could result in disqualification under S.C. Code §23-23-60, S.C. Regulation 38-004, and/or S.C. Regulation 38-016. Due to the potential danger posed to the public in allowing these individuals to remain actively engaged in law enforcement duties while such charges are pending, the Training Council believes this permanent regulation is necessary.

DETERMINATION OF COSTS AND BENEFITS:

There will be very little increase in costs to the Academy as the Academy already has several notification requirements in the regulations that could be joined with the requirements of this regulation. There will be great benefits brought about with this change by protecting the public from law enforcement officers that are facing charges and/or indictments for crimes that, if the officer were convicted, could result in disqualification under S.C. Code §23-23-60, S.C. Regulation 34-004, and/or S.C. Regulation 38-016.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Revisions to these regulations are necessary allow the automatic suspension of law enforcement certification when currently certified law enforcement officers are charged and/or indicted for crimes that, if they resulted in a conviction, could result in disqualification under S.C. Code §23-23-60, S.C. Regulation 38-004, and/or S.C.

Regulation 38-016. Due to the potential danger posed to the public in allowing these individuals to remain actively engaged in law enforcement duties while such charges are pending, the Training Council believes this permanent regulation is necessary.

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. 4529
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-18-310 (to be codified at Supp. 2014), 59-18-320 (Supp. 2013), 59-18-330 (Supp. 2013), 59-18-350 (Supp. 2013), 59-18-360 (Supp. 2013), 59-18-900 (Supp. 2013), 59-20-60 (Supp. 2013), and 20 U.S.C. 6301 et seq.

43-262. Assessment Program

Preamble:

The State Board of Education (SBE) proposes to amend Regulation 43-262. This regulation delineates requirements for assessment programs managed by the Office of Assessment. Amendments are being proposed to merge language from Regulations 43-260 and 43-262.4 into this regulation so that regulations governing assessments are in one regulation. Duplicative language resulting from merging the three regulations is deleted. In compliance with Section 59-18-310 of Act 155 that states that “students are no longer required to meet the exit examination requirements to earn a South Carolina high school diploma,” references to passing an exit examination as a condition for receiving a South Carolina high school diploma have been deleted.

Notice of Drafting for the proposed repeal of this regulation was published in the *State Register* on August 22, 2014.

Section-by-Section Discussion

- I(B) Adds acronym “SCDE.” Adds new assessment programs and deletes the exit examination. Changes End-of-Course Tests to End-of Course Examination Program.
- I(D) Deletes South Carolina Department of Education and adds acronym “SCDE.” Adds text to complete the sentence.
- I(D)(1) Adds reference to types of test formats (paper/pencil, online, and customized). Adds that test materials do not include hardware or software for online testing.
- I(D)(2) Deletes “Department” and adds “SCDE.”
- I(D)(5) Renumbers former section I(D)(5) to I(D)(7) and adds pilot-tests.
- I(D)(5) New Section. Adds exact text from R.43-260 that requires the SCDE to report tests with the exception of changing South Carolina Department of Education to SCDE.
- I(D)(6) New Section. Adds exact text from R.43-260 that protects student data.
- I(E) Adds exact language from R.43-260 regarding the participation of local school districts in the statewide testing program. Adds text to complete the second sentence.
- I(E)(1) Removes “state supported” and replaces it with “publicly funded” and removes “that award state high school diploma” so that the text aligns to language in mandates requiring readiness assessments.
- I(E)(2) Removes language regarding “participate in statewide assessment program” since the requirement is now in section E.

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- I(E)(3) Renumbers section I(E)(3) to section I(E)(2) and adds language to ensure that test administrators are trained to administer assessments and to also require school test coordinators to also be responsible for proper handling of test materials.
- I(E)(4) Renumbers section I(E)(4) to section I(E)(3) and requires districts to participate in pilot tests.
- I(E)(5) Deletes section. State-owned materials are no longer stored in districts.
- I(H) New section. Adds requirements of the End-of-Course Examination Program (EOCEP) from R.43-262.4. The new language matches the language that was deleted from R.43-262.4 with four exceptions: (1) The section numbers are changed and the text is reformatted. (2) The new language reflects the use of End-of-Course Examination Program, EOCEP, or examinations instead of End-of-Course tests or tests. (3) South Carolina Department of Education changes to SCDE in section 4. (4) Under the section titled "Notice to Students," the word "paper" was removed to allow schools to provide the academic standards in paper or electronic form.
- II. Deletes section. The South Carolina High School Exit Examination was discontinued by S.C. Act 155 of 2014.
- III. Changes Section III to Section II. Minor edits are made to clarify meaning. The Education Accountability Act, Section 59-18-330, states that "a school randomly selected by NAEP must comply with the administration of the assessment..." NAEP includes two components, "state" and "national." However, the regulation refers to "state" NAEP only. The references to "state" are being deleted to comply with Section 59-18-330 of the EAA.
- IV. Delete this section regarding norm-referenced testing. There is no longer a mandate for administering a norm-referenced test in three grades.
- V. Delete this section regarding National Assessment of Educational Progress (NAEP). Section II. is inclusive.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on, January 14, 2015, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link <http://ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE14-15.pdf>.

Written comments should be submitted to Elizabeth Jones, Director, Office of Assessment, 1429 Senate Street, 209-B Rutledge Building, Columbia, South Carolina 29201 or by e-mail to ejones@ed.sc.gov on or before 5:00 p.m. on December 29, 2014.

Preliminary Fiscal Impact Statement

There is no fiscal impact.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: R.43-262. Assessment Program.

Purpose: This regulation provides guidance about assessment programs administered in South Carolina.

Legal Authority: 1976 Code Sections 59-5-60 (2004), 59-18-310 (to be codified at Supp. 2014), 59-18-320 (Supp. 2013), 59-18-330 (Supp. 2013), 59-18-350 (Supp. 2013), 59-18-360 (Supp. 2013), 59-18-900 (Supp. 2013), 59-20-60 (Supp. 2013), and 20 U.S.C. 6301 et seq.

Plan for Implementation: Changes to this regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

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

Amending this regulation brings it into compliance with current statutes. In addition, combining the guidelines from R.43-260 and R.43-262.4 into R.43-262 puts all the guidelines for these assessments in one regulation and allows for the removal of repetitive guidelines.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The State Board of Education (SBE) proposes to merge regulations R.43-260 and R.43-262.4 into regulation R.43-262 so that regulations governing assessments are in one regulation.

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. 4530

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-18-310 (to be codified at Supp. 2014), and 59-18-320 (Supp. 2013)

43-262.4. End-of-Course Tests

Preamble:

The State Board of Education (SBE) proposes to repeal Regulation 43-262.4, End-of-Course Tests. The requirements of this regulation are to be merged with Regulation 43-262, Assessment Program.

Notice of Drafting for the proposed repeal of this regulation was published in the *State Register* on August 22, 2014.

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Section-by-Section Discussion

43-262.4. Repeal in its entirety.

Notice of Public Hearing and Opportunity for Public Comment:

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

Written comments should be submitted to Elizabeth Jones, Director, Office of Assessment, 1429 Senate Street, 209-B Rutledge Building, Columbia, South Carolina 29201, or by e-mail to ejones@ed.sc.gov on or before 5:00 p.m. on December 29, 2014.

Preliminary Fiscal Impact Statement:

There is no fiscal impact.

Statement of Need and Reasonableness:

The proposed repeal will merge R.43-262.4 into R.43-262 so that regulations that govern student assessments will appear in one regulation.

DESCRIPTION OF REGULATION: R.43-262.4. End-of-Course Tests.

Purpose: This regulation provides guidance about the End-of-Course Examination Program tests.

Legal Authority: 1976 Code Sections 59-5-60 (2004), 59-18-310 (to be codified at Supp. 2014), and 59-18-320 (Supp. 2013).

Plan for Implementation: The repeal of this regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The requirements of this regulation will be included in R.43-262, Assessment Program, so that guidelines from these two assessment regulations will be in a single regulation.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The requirements of this regulation are being merged into R.43-262, Assessment Program, so assessment requirements will be provided in a single regulation. Repealing this regulation will comport with current practice.

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. 4531

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-1-445 (2004), 59-1-447 (2004), and 59-5-60 (2004)

43-100. Test Security

Preamble:

The State Board of Education (SBE) proposes to amend Regulation 43-100, Test Security. This regulation defines test security violations.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on August 22, 2014.

Section-by-Section Discussion

- I(A) Corrects punctuation and deletes a word.
- I(B) Adds an “s.”
- I(D) Changes from specific reference to the GED to a generic reference to high school equivalency tests.
- II. Adds that for this security regulation public charter schools are included in the local school district.
- III. Adds language that requires the First Steps Board of Trustees to adopt a security policy for First Steps and the schools administering assessments under First Steps. Adds language to specify security policies must address all testing formats (e.g., paper-based, computer-based, and customized assessments). Includes deletions and additions for clarity and to clean up language and avoid repetitions resulting from editing. Corrects punctuation.
- IV. Adds a reference to the Director of First Steps. Changes “State” to “South Carolina.” Adds acronym SCDE.
- V. Corrects punctuation. Deletes “State Department of Education” and adds acronym SCDE.
- VI. Changes “SDE” to “SCDE.”
- VII. Corrects punctuation.
- VIII. Changes from the specific reference to the GED to a generic reference to high school equivalency tests.
- IX. Adds 2004.
- X. Corrects punctuation.

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- X(A) Changes acronym from “SDE” to “SCDE.”
- X(C) Corrects punctuation.
- X(F) Deletes “State Department of Education” and adds acronym SCDE. Corrects punctuation.
- X(G) Deletes “State Department of Education” and adds acronym SCDE.
- X(I) Corrects punctuation.
- X(O) Clarifies language for the violation of not following a student’s Individualized Education Program or 504 plan during testing.
- XI. Deletes “South Carolina Department of Education” and adds acronym SCDE.
- XIII. Clarifies that, in addition to penalizing school districts, the State Board of Education may penalize charter schools for security violations. Deletes “State Department of Education” and adds acronym SCDE.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on January 14, 2015, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE14-15.pdf>.

Written comments should be submitted to Elizabeth Jones, Director, Office of Assessment, 1429 Senate Street, 209-B Rutledge Building, Columbia, South Carolina 29201 or by e-mail to ejones@ed.sc.gov on or before 5:00 p.m. on December 29, 2014.

Preliminary Fiscal Impact Statement:

There is no fiscal impact.

Statement of need and Reasonableness:

DESCRIPTION OF REGULATION: R.43-100. Test Security.

Purpose: This regulation provides guidance about test security requirements and defines security violations.

Legal Authority: 1976 Code Ann. § 59-1-445 (2004), § 59-1-447 (2004), and §59-5-60 (2004).

Plan of Implementation: The amendments of this regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

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

Amending this regulation clarifies that security applies to both paper and online testing. In addition, the amendments clarify that the regulations apply to charter schools and First Steps (for the administration of readiness assessments in kindergarten).

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

For the first time, the Department of Education will administer assessments to schools under First Steps. The State Board of Education proposes to amend Regulation 43-100 to require First Steps to comply with same security regulations as the schools in the public school districts. The amendments also ensure that charter schools are held to the same standards as non-charter schools in the public school districts.

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. 4532
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-18-310 (to be codified at Supp. 2014), and 59-18-320 (Supp. 2013)

43-260. Use and Dissemination of Test Results

Preamble:

The State Board of Education (SBE) proposes to repeal Regulation 43-260, Use and Dissemination of Test Results. The requirements of this regulation are to be merged with Regulation 43-262, Assessment Program.

Notice of Drafting for the proposed repeal of this regulation was published in the *State Register* on August 22, 2014.

Section-by-Section Discussion

43-260. Repeal in its entirety.

Notice of Public Hearing and Opportunity for Public Comment:

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

Written comments should be submitted to Elizabeth Jones, Director, Office of Assessment, 1429 Senate Street, 209-B Rutledge Building, Columbia, South Carolina 29201 or by e-mail to ejones@ed.sc.gov on or before 5:00 p.m. on December 29, 2014.

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Preliminary Fiscal Impact Statement

There is no fiscal impact.

Statement of Need and Reasonableness:

The proposed repeal will merge R.43-260 into R.43-262 so that regulations which govern student assessments will appear in one regulation.

DESCRIPTION OF REGULATION: R.43-260. Use and Dissemination of Test Results.

Purpose: This regulation references the requirement in the Education Finance Act and the Education Accountability Act that schools participate in testing. This regulation also addresses the appropriate dissemination of test results and authorizes the State Superintendent of Education to implement procedures to fulfill the intent of policies.

Legal Authority: 1976 Code Sections 59-5-60 (2004), 59-18-310 (to be codified at Supp. 2014), and 59-18-320 (Supp. 2013).

Plan for Implementation: The repeal of this regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The requirements of this regulation will be included in R.43-262, Assessment Program, so that guidelines from these two assessment regulations will be in a single regulation.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The requirements of this regulation are being merged into R.43-262, Assessment Program, so assessment requirements will be provided in a single regulation. Repealing this regulation will comport with current practice.

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. 4538

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

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

61-15. Certification of Need for Health Facilities and Services

Preamble:

The Department of Health and Environmental Control (Department) proposes amending R.61-15, Certification of Need for Health Facilities and Services. The proposed amendments to R.61-15 will support the Department's goal of administering the Certificate of Need Program in a more efficient and cost-effective manner. These amendments will conform the Regulation to the relevant statutory authority, delete procedures and practices made obsolete by the release of a web-based Certificate of Need Application, simplify certain procedural requirements, make technical corrections and correct typographical errors. See the Section-by-Section Discussion of Proposed Amendments below and the Statements of Need and Reasonableness and Rationale herein.

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

Section-by-Section Discussion of Proposed Amendments:

1. The Department is proposing to amend R.61-15 to delete and/or rename several provisions that have been supplanted by the implementation of the web-based Certificate of Need application and/or that require clarification to ensure they are compliant with statutory and other authority:

R.61-15, Section 101 (Purpose). Delete Section as unnecessarily duplicative of statutory authority.

R.61-15, Section 102 (Applicability). Delete Section as unnecessarily duplicative of statutory and/or other authority.

R.61-15, Section 103 (Definitions). Clarify certain definitions to ensure they comply with statutory and other authority and delete other definitions that are unnecessarily duplicative of statutory or other authority. Revised definitions are placed in new Section 101 (Definitions).

R.61-15, Section 104 (Exemption Determinations). Revise Section to simplify existing procedures and conform them to statutory and/or other authority.

R.61-15, Section 105 (Determinations of Non-Applicability). Delete Section rendered superfluous by introduction of the web-based Certificate of Need application and other revisions to this Regulation.

R.61-15, Section 106 (South Carolina Health Plan). Revise Section to clarify its requirements and rename it as new Section 105 (Procedure for South Carolina Health Plan).

R.61-15, Chapter 2 (Application Procedures). Delete all provisions in existing Chapter 2 as they have been rendered superfluous by the implementation of a web-based Certificate of Need application and other revisions to this Regulation.

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R.61-15, Chapter 3 (Disposition of Application). Delete all provisions in existing Chapter 3 as they have been supplanted by the implementation of a web-based Certificate of Need application and other revisions to this Regulation.

R.61-15, Chapter 4 (Appeals). Delete all provisions in existing Chapter 4 because those provisions are unnecessarily duplicative of statutory and/or other authority.

R.61-15, Chapter 5 (General Provisions). Delete all provisions in existing Chapter 5 because they will be supplanted by the implementation of a web-based Certificate of Need application and other revisions to this Regulation.

R.61-15, Chapter 6 (Voidance and Extension of Certificates of Need). The provisions set forth in existing Chapter 6 have been revised and consolidated into new Section 303 (Voidance and Extension Procedures).

R.61-15, Chapter 7 (Penalties for Non-Compliance). Delete all provisions in existing Chapter 6 because its provisions are unnecessarily duplicative of statutory and/or other authority.

R.61-15, Chapter 8 (Project Review Criteria). The provisions set forth in existing Chapter 8 have been revised and consolidated into new Section 401 (Criteria for Project Review).

R.61-15, Certificate of Need Application exemplar set forth in the Appendix. The existing paper application has been deleted due to the implementation of a web-based Certificate of Need application.

2. The Department is proposing to amend R.61-15 to revise and/or add provisions that are necessary to support the functionality of the web-based Certificate of Need application and/or that require clarification to ensure they are compliant with statutory and other authority:

R.61-15, Section 101 (Definitions). Revised and renumbered existing Section 103 (Definitions) to delete definitions that are unnecessarily duplicative of statutory or other authority and clarify the project review process to make it more efficient and timely.

R.61-15, Section 102 (Timing). This Section was added to clarify the procedure for calculating deadlines that fall on weekends and holidays as previously addressed in existing Section 302(4).

R.61-15, Section 103 (Monetary Thresholds). This Section was added to raise the monetary thresholds that trigger Certificate of Need review for certain equipment acquisitions and capital expenditures.

R.61-15, Section 105 (Procedure for South Carolina Health Plan). This Section was added to clarify existing procedures for public review of proposed changes to the South Carolina Health Plan, set forth in existing Section 106 (South Carolina Health Plan), and conform those procedures to statutory and/or other authority.

R.61-15, Section 201 (Submission of Application). This Section was added to conform the Regulation to the functionality of a web-based Certificate of Need application and statutory and/or other authority.

R.61-15, Section 202 (Acceptance of Application for Filing). This Section was added to conform the Regulation to the functionality of a web-based Certificate of Need application and statutory and/or other authority.

R.61-15, Section 203 (Deeming an Application Complete). This Section was added to conform the Regulation to the functionality of a web-based Certificate of Need application and statutory and/or other authority.

R.61-15, Section 301 (Project Changes During Review Period). This Section was added to clarify existing procedures and conform the Regulation to statutory and/or other authority.

R.61-15, Section 302 (Project Changes After Receipt of Certificate of Need). This Section was added to clarify existing procedures and conform the Regulation to statutory and/or other authority.

R.61-15, Section 303 (Voidance and Extension Procedures). This Section was added to clarify existing procedures and conform the Regulation to statutory and/or other authority.

R.61-15, Section 304 (Reporting of Certificate of Need Implementation). This Section was added to conform the Regulation to statutory requirements and clarify existing procedures to make them more efficient and timely.

R.61-15, Section 305 (Joint Annual Reports). This Section was added revised to conform the Regulation to statutory and/or other authority.

R.61-15, Chapter 4 (Project Review Criteria). These provisions were added to conform the Regulation to statutory requirements and clarify the project review process to make it more efficient and timely.

R.61-15, Section 401 (Criteria for Project Review). This Section was added to conform the Regulation to statutory requirements and clarify the project review criteria to make the decision making process more efficient and timely.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral and/or written comments on the proposed amendments of R.61-15 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on January 8, 2015. The Board will conduct the public hearing in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Robert B. (Sam) Phillips by mail at South Carolina Department of Health and Environmental Control, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 545-4412; or by e-mail at phillipb@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on December 29, 2014, the close of the public comment period. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control's consideration at the public hearing.

A copy of the proposed amendments for public comment as published in the *State Register* on November 28, 2014 may be obtained online in the *DHEC Regulation Development Update* at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. Click on the Certification of Need for Health Facilities and Services topic and scan down to the proposed amendments of R.61-15. A copy can also be obtained by contacting.

Preliminary Fiscal Impact Statement:

The Department estimates the net cost to the Department resulting from this proposed regulation revision to be approximately \$79,000 annually, which will be associated with the cost of maintaining the web-based application. This cost will be offset by the benefit to the Department and to the regulated community of utilizing

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an efficient web-based Certificate of Need application that will utilize standardized requests for information that will require less time to prepare and submit, will minimize costs associated with contractors (consultants, attorneys, etc.), and will allow decisions to be made approximately four (4) months faster than with the paper-based system.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose: The proposed amendments to R.61-15 will support the Department's goal of administering the Certificate of Need Program in a more efficient and cost-effective manner. These amendments will conform the Regulation to the relevant statutory authority, delete provisions unnecessarily duplicative of statute, delete procedures and practices made obsolete by the release of a web-based Certificate of Need Application, simplify certain procedural requirements, make technical corrections and correct typographical errors.

Legal Authority: The legal authority for R.61-15 is S.C. Code Section 44-7-150(3).

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly, and publication in the *State Register*. An electronic copy of R.61-15, that includes these latest amendments, will be published on the Department's Regulation Development website at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/>. At this site, click on the Health Regulations category and scan down to R.61-15. Subsequently, this regulation will be published on the S.C. Legislature website in the S.C. Code of Regulations. Printed copies will be made available at cost by request through the DHEC Freedom of Information Office. The Department will also send an email to stakeholders and affected facilities and to other interested parties.

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

1. The Department proposes amending substantial portions of R.61-15 to facilitate the transition from a paper-based to a web-based Certificate of Need application, simplify the procedures associated with the Certificate of Need program, and delete duplicative language from the Regulation.
2. The Department proposes amending R.61-15 to delete Section 101.
3. The Department proposes amending R.61-15 to delete Section 102.
4. The Department proposes amending R.61-15 to revise Section 103 to amend the timeframe for submitting a "competing application," to clarify the procedures for collecting "Fees" used by the Certificate of Need program, to add the term "implemented" to the definitions, and to delete certain definitions that are unnecessarily duplicative of S.C. Code Section 44-7-130 or other statutory authority. This provision will be renumbered as Section 101.
5. The Department proposes amending R.61-15 to add Section 102 to clarify the "Timing" requirement for deadlines that fall on weekends and holidays that was previously addressed in Section 304(4).
6. The Department proposes amending R.61-15 to add Section 103 to modify the monetary thresholds for Certificate of Need review of capital expenditures and acquisitions of equipment referenced in S.C. Code Section 44-7-160(3) and (6) that were previously addressed in Section 102.

7. The Department proposes amending R.61-15 to revise Section 104 to simplify the requirements for obtaining an exemption from Certificate of Need review pursuant to S.C. Code Section 44-7-170.
8. The Department proposes amending R.61-15 by deleting Section 105 (Non-Applicability Determination) due to introduction of the web-based Certificate of Need application and the revision to Section 104 of this Regulation.
9. The Department proposes amending R.61-15 to revise Section 106 to simplify the procedures for the South Carolina Health Plan. This provision will be renumbered as Section 105.
10. The Department proposes amending R.61-15 by deleting Chapter 2 (Sections 201 & 202) because these provisions will be supplanted by the implementation of a web-based Certificate of Need application and other revisions to this Regulation.
11. The Department proposes amending R.61-15 to revise Section 301 to conform the application procedures set forth therein to the requirements of the new web-based Certificate of Need application. This provision will be renumbered as Section 201.
12. The Department proposes amending R.61-15 to add Section 202 that sets forth the requirement to post notice that the Department has accepted a Certificate of Need application for filing.
13. The Department proposes amending R.61-15 to delete Section 302 (Additional Information).
14. The Department proposes amending R.61-15 to add Section 203 that sets forth the requirement to post notice that the Department has deemed a Certificate of Need application to be complete.
15. The Department proposes amending R.61-15 by deleting Sections 303 thru 312, which are unnecessarily duplicative of statutory provisions or which have been supplanted by the implementation of a web-based Certificate of Need application and other revisions to this Regulation, and replacing them with the following Sections: 301 (Project Changes During Review Period), 302 (Project Changes After Receipt of Certificate of Need), 303 (Implementation and Extension Procedures), 304 (Reporting of Certificate of Need Implementation), and 305 (Joint Annual Reports).
16. The Department proposes amending R.61-15 to delete Chapters 4, 5, 6, 7, 8 and the existing Appendix A to simplify the Certificate of Need application and implementation processes, and conform the existing Regulation to the new web-based Certificate of Need application. Additionally, some of the deleted provisions were unnecessarily duplicative of the requirements set forth in S.C. Code Sections 44-1-60, 44-7-190, 44-7-210, 44-7-230, 44-7-320, 44-7-340 and related authority.
17. The Department proposes amending R.61-15 to add Section 401 to simplify and focus the Certificate of Need project review criteria in compliance with S.C. Code Section 44-7-190.

The intent of these amendments is to simplify the Certificate of Need process and facilitate the introduction of a web-based Certificate of Need application. These changes support the Department's goal of promoting and protecting the health of the public in a more efficient and effective manner. There would be no detrimental effect on the environment and public health if the proposed amendments to R.61-15 are adopted.

DETERMINATION OF COSTS AND BENEFITS:

The Department estimates the net cost to the Department resulting from this proposed regulation revision to be approximately \$79,000 annually, which will be associated with the cost of maintaining the web-based application. The benefit to the regulated community of the amendments to R.61-15 will include utilization of an efficient web-based Certificate of Need application and simplification of the processes for interacting with the

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Department during a Certificate of Need application review. The cost of the proposed regulation will be offset by the benefit to the Department and to the regulated community of utilizing an efficient web-based Certificate of Need application that will utilize standardized requests for information that will require less time to prepare and submit, will minimize costs associated with contractors (consultants, attorneys, etc.), and will allow decisions to be made approximately four (4) months faster than with a paper-based system. The revised regulation will allow the regulated community to spend less time preparing and submitting Certificate of Need applications and other requests to the Department, and will allow the Department to conduct more efficient and timely reviews of Certificate of Need applications and other requests.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties in the estimates to the costs to the State or its political subdivisions beyond those normally inherent in estimating future costs.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed revisions of R.61-15 seek to enable the Department to more effectively fulfill the statutory purposes of the Certificate of Need program, which will benefit both the regulated community and the citizens of this State.

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

It may be detrimental to the regulated community and the public health if these proposed revisions to R.61-15 are not implemented. Failure to implement these provisions would stand in the way of improvement of efficiency and effectiveness of the Certificate of Need process. Additionally, the Department's authority to implement programs in conformance with State law, which are beneficial to public health and the environment, may be compromised if these amendments are not adopted in South Carolina. Application streamlining as well as regulatory text simplification and clarification should have a positive effect on public health and the public's access to certain health care facilities and services.

Statement of Rationale:

R.61-15 contains the requirements for the State's Certification of Need for Health Facilities and Services program. The regulation is promulgated pursuant to the State Certification of Need and Health Facility Licensure Act, S.C. Code Section 44-7-110, *et seq.* The Certificate of Need program promotes cost containment, prevents unnecessary duplication of health care facilities and services, guides the establishment of health facilities and services which will best serve public needs, and ensures that high quality services are provided in the State's health facilities. Recent changes in the health care industry require the modernization of the Certificate of Need program. By simplifying the Department's procedures and moving the application process to the web, the revised regulation will allow the Department to realize these goals in a more expeditious and efficient manner. The revisions will allow Certificate of Need applications to be prepared and filed with the Department more quickly than possible with a paper-based application system.

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. 4539

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

Statutory Authority: 1976 Code Sections 48-60-05 et seq. (2014 Act 129)

61-____. Consumer Electronic Equipment Collection and Recovery

Preamble:

The South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act (hereafter referred to as the Act), codified at Section 48-60-5 et seq., S.C. Code of Laws, 1976, as amended, establishes requirements for the sale, prohibition of disposal, and recovery of consumer electronic devices, specifically for household computers, printers and televisions. The Act requires the Department of Health and Environmental Control (Department) to promulgate regulations to implement the provisions of the Act.

To satisfy the requirements of the Act, the Department is proposing new Regulation 61-____, Consumer Electronic Equipment Collection and Recovery. The proposed regulation establishes standards for labeling covered devices and for the registration of manufacturers of covered devices. The proposed regulation establishes procedures for banning covered devices from disposal in solid waste landfills and specifies annual registration fees for manufacturers of covered electronic devices. The proposed regulation addresses responsibilities of manufacturers and retailers of covered electronic devices as defined by the Act, standards for the safe, environmentally responsible recovery and recycling of devices when no longer wanted by consumers and reporting requirements. The regulation will also establish fines for violations of the Act and the regulation.

A Notice of Drafting to promulgate this regulation was published in the *State Register* on April 25, 2014. This regulation will require legislative review and would become effective when published as a Final Regulation in the *State Register*.

Section-by-Section Discussion of Proposed New Regulation:

Section A describes the purpose and scope of the regulation, lists the types of electronic devices that are subject to regulation and identifies the parties that are required to take action.

Section B defines the terms used throughout the regulation and presents the terms in alphabetical/numerical order.

Section C provides authority to the Department to conduct audits and inspections of recovery facilities and records to determine compliance with State law and the regulation.

Section D establishes labeling requirements for covered devices and clarifies the responsibilities of retailers with regards to the regulation.

Section E implements the disposal prohibition of covered devices.

Section F lists the standards for management of covered devices during the recovery process and prior to material acceptance by a consumer electronic device stewardship program or a certified recovery facility.

Section G lists the requirements for manufacturers of computers, printers, and other computer devices that are not monitors, to sell and recover devices and for payment of registration fees to the Department.

Section H lists the general recovery and registration requirements for all manufacturers of covered televisions or computer monitors that sell more than five hundred (500) covered devices in South Carolina.

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Section I describes the reporting requirements and recovery obligations for manufactures of covered televisions and computer monitors for independent consumer devices stewardship programs not participating in a representative organization and shortfall penalties for failing to meet recovery obligations.

Section J describes the options for annual reporting for manufacturers of covered televisions and computer monitors participating in a representative organization, their exemption from annual registration fees, and the consequences for manufacturers that do not fulfill their individual recycling obligation as assigned by the representative organization.

Section K defines the requirements of a representative organization for annual reporting and for developing a plan, subject to Department approval, that provides recycling for all covered devices throughout a program year from local governments participating in the plan.

Section L describes the procedural steps and timing for evaluating consumer electronic device stewardship plans from representative organizations and fee payment requirement when the plan is approved.

Section M establishes the requirements for recoverers of covered devices in South Carolina, including requirements that they register with the Department and that they provide a financial assurance mechanism in an amount that would cover the costs for third party removal of all covered devices or waste material from the facility.

Section N sets a maximum penalty of one thousand dollars (\$1,000) for each violation of this regulation.

Section O protects the remaining portion of the regulation should any part or language be declared invalid.

Section P states the date of the repeal of this regulation.

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 January 8, 2015. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, 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 published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Jana White, Bureau of Land and Waste Management, S.C. DHEC, 2600 Bull St., Columbia, S.C. 29201 or by email to whitejm@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 29, 2014, the close of the public comment period. Written comments received by the December 29 deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on January 8, 2015 as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed new regulation for public comment as published in the *State Register* on November 28, 2014, may be obtained online in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. In the Update, click

on the Land and Waste Management category and scan down to the proposed new regulation R.61-____. A copy can also be obtained by contacting Jana White at the above address or by calling (803)898-1346 or by email at whitejm@dhec.sc.gov.

Preliminary Fiscal Impact Statement:

There will be no cost to the State General Fund. Staff anticipates that there will be a minimal cost to the Department for the one full-time equivalent staff position necessary to implement the provisions of the Act; however, these costs will be funded from the registration and annual renewal fees paid by the manufacturers of covered television and computer devices, in accordance with the regulation and as allowed by the Act. Additional costs to State government are not anticipated. Costs to local governments for the diversion of covered devices from the waste stream as required by the Act would be offset in part by grant funding made available by the Department from the registration and shortfall fees implemented, as allowed by the regulation and statute.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115:

DESCRIPTION OF REGULATION: New regulation, Consumer Electronic Equipment Collection and Recovery.

Purpose: The purpose of this regulation is to address and execute the applicable provisions of Act 178, known as the South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act (hereafter referred to as the Act), codified at Section 48-60-05 et seq., S.C. Code of Laws, 1976, as amended.

The regulation will include, but not be limited to: responsibilities of manufacturers and retailers of covered electronic devices as defined by the Act; standards for the collection and use of fees as provided for in the Act; standards for the safe, environmentally responsible recovery and recycling of discarded devices; a disposal prohibition for covered devices; and reporting requirements for manufacturers of covered devices and recoverers that reclaim materials from covered devices. The regulation will also establish fines for violations of the Act and the regulation. The proposed regulation will require legislative review and will not take effect until published as a Final Regulation in the *State Register*. The regulation will also have a repeal date of December 31, 2021 as prescribed in the Act.

Legal Authority: Section 48-60-5 et seq., S.C. Code of Laws, 1976, as amended.

Plan for Implementation: Upon approval of the General Assembly and publication in the South Carolina State Register, a copy of the regulation will be available electronically on the Department's Laws and Regulations website under the Land and Waste Management category at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/>. Subsequently, a copy of the regulation will be published in the S.C. Code of Regulations on the S.C. Legislature Online website. Printed copies will be available for a fee from the Department's Freedom of Information Office. Staff will educate the regulated community on the provisions of the Act and the requirements of the regulation. The landfill ban on covered electronic devices will be implemented in the same fashion as other banned items. Manufacturers of covered devices with websites may also provide details of their consumer electronic device stewardship program on the internet. Staffing will consist of existing personnel and one new staff position as provided for in the regulation.

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

The need for this regulation is stated in the South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act of 2010. The General Assembly found that:

- (1) Televisions, computing, and printing devices are critical to the development of this state's economy and the promotion of the quality of life of the citizens of this State.
- (2) Many of these televisions, computing, and printing devices can be refurbished and reused, or recycled.
- (3) Developing and implementing a system for recovering televisions, computing, and printing devices promotes resource conservation, public health, public safety, and economic prosperity.
- (4) In order to carry out these purposes, the State must establish a comprehensive and convenient recovery program for televisions, computing, and printing devices based on individual manufacturer responsibility and shared responsibility among consumers, retailers, and government, and that the program must ensure that end-of-life televisions, computing, and printing devices are disposed of in a manner that promote resource conservation through the development of an effective and efficient system for collection and recycling, and to encourage manufacturers to offer convenient collection and recycling service to consumers at no charge.

This regulation is a reasonable way to comply with the Act because it can be implemented using staff allowed by the Act without impact to the general fund; provides clear procedures, standards and criteria for manufacturers, retailers and recyclers of covered electronic devices; promotes the development of a comprehensive system for end-of-life devices that promotes resource conservation, public health, public safety, and economic prosperity; and establishes a recovery program based on shared responsibility among manufacturers, consumers, retailers, and government.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of this regulation should not require additional resources beyond those allowed for in the Act. The Act states that the Department may charge a fee of three thousand five hundred dollars for manufacturers with independent consumer electronic devices stewardship programs or a twenty thousand dollar annual fee for manufacturers recycling cooperatively as a Department approved representative organization. The proceeds of fees is to be used solely for the purposes of implementing the provisions of the Act.

External Costs: There will be a cost to the manufacturers of covered devices as allowable by the Act. Costs include recycling expenses for end-of-life electronic devices collected from residents, and fees established by statute and addressed in the regulation. Fees include annual registration fees and shortfall fees. Registration fees and shortfall fees are set out in the proposed regulation at Sections I.2, I.7, J.4, and L.4.

External benefits: There will be a benefit to the manufacturers, users and recyclers of electronic devices, as well as to local governments, as the responsibility associated with the proper management of the end-of-life devices will be shared among all parties. There will be reduced costs to local governments as manufacturers will provide recycling costs for end-of-life devices. It will benefit the residents of South Carolina as the proper management of electronics should result in reducing the potential threats to the quality of ground water and to worker safety. It will benefit the economy by promoting the electronics recycling industry and promoting resource conservation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

There should be no adverse effect on the environment. The proposed regulation will promote the public health by ensuring electronic devices are recycled in a safe, environmentally sound manner, and not placed in landfills.

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

The Act established a ban on the placement of covered electronics in a landfill, but without clear standards for the proper management of covered devices as established in the proposed regulation, there would be limited options for properly managing used electronics. This could result in the improper and illegal disposal of the items in a manner that would be unsafe to workers and could result in harmful releases to the environment.

Statement of Rationale:

The South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act, Section 48-60-150 et seq., S.C. Code of Laws, 1976, as amended, directs Department staff to promulgate regulations needed to implement the chapter’s provisions, including reporting requirements and standards for operations of recovery facilities, and provides that staff may propose by regulation, fees on the manufacturers of covered computer and television devices. The regulation will also ensure that recovery efforts are provided statewide and not limited to more populated regions.

A workgroup comprised of representatives of local government, electronics manufacturers, electronics recyclers, retailers, environmental groups, the Association of Counties, the South Carolina Municipal Association, the waste industry and Department staff developed the criteria on which the proposed regulation is based.

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. 4540
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Sections 44-61-30 and 44-78-65

61-7. Emergency Medical Services.

Preamble:

Regulation 61-7 was last substantively amended on June 23, 2006. The purpose of the regulation is to provide a set of licensing standards for the emergency medical services of South Carolina. The purpose of this amendment is to update the nomenclature, the standards of operation, certification requirements, license requirements, and the education requirements to meet the accepted national standards. In addition, stylistic changes were included for corrections for clarity and readability, grammar, references, codification and overall improvement of the text of the regulation.

A Notice of Drafting was published in the *State Register* on August 22, 2014.

Section-by-Section Discussion of Proposed Amendments

Title. Statutory Authority: Edited statutory authority to reflect current parlance.

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Table of Contents. The Table is revised to bring it current with changes in the text.

Non-substantive changes were made throughout the regulations where applicable to improve outlining, codification, and wording for overall improvement and to avoid conversion problems in electronic publications.

Section 100. Scope and Purpose.
No changes.

Section 200. Definitions.

Section 201.A. was revised to change “drugs” to “medications.”

Section 201.B. was revised to change the name of EMT Intermediate to AEMT, to update clinical parlance, and to eliminate the “80 percent” rule.

Section 201.C. was revised to expand the definition of air ambulance to include fixed wing and rotorcraft

Section 201.D. was revised to use up-to-date nomenclature for EMT

Section 201 E. new definition for Commission on Accreditation of Allied Health Education Program (CAAHEP) was added.

Section 201.F. new definition for Committee on Accreditation of Educational Programs (CoAEMSP) was added.

Existing Section 201.E. was renumbered to Section 201.G. and revised to correct grammar.

Section 201.F. was renumbered to Section 201.H.

Section 201.G. was deleted because it no longer meets the current standards.

Added Section 201.I. to add definition for Credentialing Information System (CIS).

Added Section 201.J to add a definition for Driver.

Added Section 201.K. to add a definition for electronic patient care report (ePCR).

Existing Section 201.H. was renumbered to Section 201.L. No substantive changes

Existing Section 201.I. renumbered to new Section 201.M. and is revised to define the certification levels of the Emergency Medical Technicians (EMT) to match national standards. Existing Section 201.J. renumbered to Section 201.N. EMT First Responder Service is revised to change in title to EMT Rapid Responder Agency.

Existing Section 201.K. was renumbered to Section 201.O. No substantive changes.

Existing Section 201.L. was deleted. Text was incorporated as appropriate in Section 201.C.1.

Existing Section 201.M. was renumbered to Section 201.P.

New Section 201.Q. definition of Ground Ambulance was added.

Existing Section 201.O. added subsections which were moved from existing Sections R and S to Subsections 1 and 2.

New Section 201.R. definition of Health Insurance Portability and Accountability Act (HIPAA). Existing Section 201.N. was renumbered to Section 201.S. and was revised to add the AEMT and change the EMT-Paramedic to Paramedic. Also added new parlance and eliminated the “80 percent” rule.

Existing Section P. was renumbered Section U. No substantive changes.

New Section 201.T. was added to define the Joint Policy Statement on Equipment for Ground Ambulances (JPS).

Sections 201.O. was renumbered to 201.U. Added subsections under Section U. Changed “unit’s” to “licensed agency’s.”

Existing Section 201.P. was renumbered to Section 201.V. No substantive changes.

New Section 201.W. was added to define National Emergency Medical Services Information System (NEMSIS).

New Section 201.X. definition of National Registry of Emergency Medical Technicians (NREMT) was added. Also added a note that EMT-Intermediates will cease to exist on March 31, 2017.

Existing Section 201.Q. was renumbered to 201.Y. and added “the patient” to the convenience clause for nonemergency transports.

Existing Sections 201.R. and 201.S. were moved under Section U. as 1 and 2.

Added new Section 201.Z. to define Prehospital Medical Information System (PreMIS).

Existing Section 201.T. renumbered to Section 201.AA. No substantive changes.

Existing Sections 201.U. was deleted and incorporated as appropriate in 201.C.2.

Added Section 201.BB. to define Special Purpose EMT.

Added Section 201.CC. to define Specialty Care and replace outdated 201.V. Special purpose ambulance.
Added Section 201.DD. to define the “Star of Life” mentioned later in the Regulation.
Existing 201.V. Special purpose ambulance deleted.
Existing Section 201.W. was renumbered to 201.EE. No substantive changes.
Existing Section 201.X. was renumbered to 201.FF. No substantive changes.

Section 300. Enforcing Regulations.

Section 301.A. was revised to add medical control physicians.
Section 302.B. was amended to include permitted vehicles and equipment.
Section 302.C. was revised to update the language/technology.
Section 303 was revised add the location of the fines/monetary penalties in Section 1500 and to add that the Department may seek other actions if appropriate (for example: remediation).
Section 304.A. Added “other employees and the general public”, corrected punctuation, and edited for clarity.
Section 304.B. as revised to correct grammar, to add “other employees and the general public”, and for clarity.
Section 304.C. was revised for clarity.
Section 304.D. was added to denote the new Class IV violations related to re-inspection failures.
Existing Section 304.D. was renumbered to 304.E. and added Class IV language.
Existing Section 304.E was renumbered 304.F. and added “other employees and the general public”.
Added new Section 304.G. to indicate new location of fine schedule in Regulation.
Existing Section 304.F. was deleted and content incorporated in Section 1501.B.
Existing Section 304.G. was renumbered to 304.H.

Section 400. Licensing Procedures.

Section 401.A.3 added a requirement to provide a business license.
Section 401.A.3 was renumbered to 401.A.4 and added VIN and rapid response vehicles.
Section 401.A.4 was renumbered to 401.A.5 and revised to meet national standards and added “or contraction.”
Section 401.A.5 was renumbered to 401.A.6 and revised language to add "employees, contractors and affiliates" for those that need listed on the CIS roster.
Section 401.A.6 was renumbered to 401.A.7. No substantive changes.
Section 401.A.7 was renumbered to 401.A.8 and revised to add email address instead of mail address as part of the contact information.
Section 401.A.8 was renumbered to 401.A.9 and revised to name more specifically positions of responsibility.
Section 401.A.9 was renumbered to Section 401.A.10. and changed “units” to “vehicles” and “transporting station” to “fixed station location.”
Section 401.A.10 was renumbered to Section 401.A.11.
Section 401.A.12 was added to meet a federal mandate.
Section 401.A.11 was renumbered to 401.A.13 and revised to enforce per statutory requirements.
Section 401.A.14 was added to meet federal regulation. Section 401.A.12 was renumbered to 401.A.15 to add the word "make" to correct sentence grammar/structure. Section 401.C. was revised to clarify inspection frequency and operating procedures; changed “ambulances” to “vehicles.” The table with the schedule of fines was moved to Section 1501.B.
Section 401.D., E., F remain unchanged.
Section 401.G. was deleted for clarity.
Section 401.H. was deleted because the exemption is already in the regulation (redundancy).
Section 401.I was renumbered to Section 401.G. No substantive changes.
Section 402 was revised to capitalize all references to Medical Control Physician.
Section 402.A. was revised to insert acronyms for quality assurance and in-service training.
Section 402.A.2 changed “tapes” to “recordings.”
Section 402.A.4 corrected grammar.
Section 402.C. was revised to clarify a requirement of the medical control physician.
Section 402.D. was revised for clarity.
Section 402.E. was revised for clarity.

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Section 402.F. was revised to add “or responsibilities.”

Section 402.H. was added that the medical control physician shall complete appropriate continuing education.

Section 402.I. was added to give the medical control physician authority to be on scene calls.

Section 402.J. was added to account for multiple Medical Control Physicians.

Added New Section 403 to add Ambulance Operators or Drivers.

Renumbered existing Section 403 to Section 404 and revised title to match other parallel sections.

Section 404.A. was revised to delete the clause “or can be permitted.” This inadvertently allowed agencies to continue services by using unpermitted trucks.

Section 404.B. was revised for clarity of the requirement. Section 404.C. was revised to make “on site” into one word “onsite”, to change “calls” to “responses”, and take out the redundant phrase and corrected grammar in sentence. Section 404.C.1. was renumbered Section 404.D. and was revised for clarity and direction for all services on emergency responses and transports.

Section 404.C.2. was deleted.

New Section 404.E. was added to define minimum staffing and equipment standards to provide at least basic life support on all ambulances.

Existing Section 404.E. was renumbered to Section 404.G. and was revised to add "or rapid response" capability to industries providing emergency medical services, and to update the reference within the amended Regulation.

Section 404.F. was renumbered to Section 404.H; revised so that providers maintain "accurate" records which must also include CIS rosters; revised for grammatical clarity; and revised to change “ambulance run reports” to “patient care reports.”

Renumbered Existing Section 404 to Section 405.

Section 405. AEMT was added to the Intermediate requirement to reflect pending National Registry updates. Airway equipment required was amended to reflect new national standards; added defibrillation capability to meet national standards and best practices; eliminated the “80 percent rule” after January 1, 2018.

Renumbered existing Section 405 to Section 406.

Section 406. was revised to remove "EMT" and to update clinical parlance on defibrillation; eliminated the “80 percent rule” after January 1, 2018.

Renumbered Section 406 to Section 407.

Renumbered existing Section 407 to Section 408.

Section 408. was revised to remove "EMT" and add an additional subsection, thus A and B.

Section 408.B. was added to define the staffing requirement of an ALS transport unit to include two certified personnel.

Renumbered Section 408 to Section 409.

Section 409. title was revised to add penalty type II.

Renumbered existing Section 409 to Section 410.

Section 410. title was revised from First to Rapid Responder. (II).

Section 410.A. was revised to change “first” to “rapid”, and to clarify the requirement for rapid responder service.

Section 410.B. was revised to change “first” to “rapid” and to clarify the requirements for rapid responder service. Change “on site” to “onsite” for grammatical clarity.

Section 410.C. was revised to update the reference within the amended Regulation.

Section 500. Permits, Ambulance. (I)

Section 501.B. was revised to change "lower" to "upper." Added “interior” to windshield for permit placement.

Section 501.E. was revised to clarify the instructions for permit sticker removal and added to clarify when to return a permit.

Section 501.F. was added to notify the Department within 72 hours if a licensed provider’s vehicle or aircraft is involved in an accident that caused bodily harm.

Section 501.G. was added to cover unlicensed agencies seeking a vehicle or aircraft permit.

New Section 502. was added to cover temporary assets.

Section 600. Standards for Ambulance Permit.

Section 601.A. was revised to add "NFPA 1917, (or similar specification standards accepted by the Department)" federal ambulance standard and to delete "the most current edition" comment which is superfluous. Deleted section on four-wheel drive recommendation.

Section 601.B. was deleted.

Existing Section 601.C. was renumbered to Section 601.B.

Section 601.B.2.a was deleted.

Section 601.B.2.b was renumbered Section 601.B.2.a.

Section 601.B.2.c was renumbered Section 601.B.2.b.

Section 601.B.2.d was deleted.

New Section 601.B.2.c is added to require out-of state ambulances to meet the same requirements as in-state.

Section 601.D. was renumbered to Section 601.C.

Section 601. E. was renumbered to Section 601.D.

Section 601.D.1.c is revised to clarify the separation partition standard in the ambulance.

Section 601.D.2.d. was revised to add "if carried" in reference to spare tire.

Section 601.F. was renumbered to Section 601.E.

Section 601.G. was renumbered to Section 601.F.

Sections 601.F.3 and 4 were moved to Section 701.CC and DD respectively.

Section 601.H. was renumbered to Section 601.G.

Section 601.G.1. was edited to clarify the armrest requirement in driver compartment seats.

Section 601.I. was renumbered to Section 601.H.

Section 601.H.4. was revised to correct grammar.

Section 601.J. was renumbered to Section 601.I.

New Section 601.I.5. was added to regulate for temperature extremes and drug adulteration based on USP and AAA standards.

Existing Section 601.I.5. was renumbered to Sections 601.J.6.

Section 601.K was renumbered to Section 601.J.

Section 601.J. added NFPA 1917 (or similar specification standards accepted by the Department) standard to be consistent with the other reference in the document; also added "interior cabinets" to clarify equipment in question.

Section 601.L. was renumbered to Section 601.K. No substantive changes.

Section 601.M was renumbered to Section 601.L.

Section 601.L. added the word "minimum" for clarity.

Section 601.N. was renumbered to 601.M.

Section 601.M. deleted rooftop requirement for mounted antenna.

Section 601.O. was renumbered to Section 601.N. No substantive changes.

New Section 601.O. is added to prohibit smoking and tobacco products.

Section 700. Equipment. (II)

Section 700 was rewritten in its entirety due to technological advancements since last Regulation revision in 2006 and to match accepted national prehospital care standards. In the first draft of this revision this equipment list section was largely taken out to be replaced with a posted Minimum EMS Equipment List. In the final revision it was placed back into document after reviewing national standards for best practice.

Section 800. Sanitation Standards for Licensed Providers.

Section 802.A. was corrected for grammar.

Section 802.J. was added to require that all licensed providers carry sufficient and appropriate cleaning supplies.

Section 804.A. was revised to add "packaging not open until used."

Section 804.C. was revised to make grammatical correction. The "is" is changed to "are."

Section 804.E. was added requiring all units that carry portable oxygen must have a non-sparking oxygen wrench in order to use on the oxygen regulators in that unit.

Section 805.C. was revised to eliminate the decontamination of oxygen equipment and require single use.

Section 805.D. was added to meet national disinfectant standards.

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Section 806.A. was revised to require single-use equipment.

Section 806.D. was revised to require single-use equipment and added “sealed” to requirement.

Section 806.E. was revised include reference to Section 805.D.

Section 807.A. was revised to correct grammar replacing “and” with “or.”

Section 807.F. was added that requires all splints must be in functional working order with the recommended manufacturer's attachments.

Section 807.G. was added to require single-use equipment.

Section 808.A. was revised to correct grammar.

Section 808.E. and F. were revised to address spinal immobilization board construction.

Section 809.C. revised to make burn dressings single use only.

Section 809.D. was revised to state single-use equipment.

Section 810.B. was revised to state single use OB kits.

Section 810.C. was added that individual item that have an expiration date in OB kits may be replaced if the rest of the other items are individually sealed and sterile.

Section 811 was revised to eliminate sterilization of oral airways and laryngoscopes.

Section 812.A. was revised changing language to national standards and standard practice.

Section 815.A. was revised to add non-certified drivers to meet same dress requirements as certified personnel and deleted “neat” from requirement.

Section 815.C. was revised to delete “neat” from requirement and to update regulation with OSHA parlance and accepted practice.

Section 900. Training and Certification.

Section 900 was rewritten in its entirety to meet 2010 State statutory requirements and national standards.

Section 1000. Personnel Requirements. (I)

Section 1000.A. was revised to change the name of the certification levels to reflect the current nomenclature.

Section 1000.B was revised to correct grammar and to add physicians to the exception.

Section 1000.B.1. was amended to match the current parlance of “scope of practice”.

Section 1000.B.2. was amended to correct grammar and to change “home” to “residence”.

New Section 1000.C was added to explain suspension actions by the Department.

Existing Section 1000.C. was renumbered to Section 1000.D. No substantive changes.

Section 1100. Revocation.

Section 1100.A.1 was revised to correct grammar.

Section 1100.B. the Misconduct section was revised in its entirety to correct grammar and flow of the document; and to bring the wording in line with the language in the EMS Act.

Section 1200. Air Ambulances.

Section 1201.A. is revised in its entirety for clarification. Each item required is now delineated for clarity and better understanding of the license and insurance requirements.

Section 1201.B.1 text was deleted due to being obsolete.

New Section 1201.B.1 was added to reflect 44-61 that out of the air ambulances are required to have a South Carolina in order to engage in operations in South Carolina.

New Section 1201.B.3 is added for consistency with other ambulance provider patient care reporting requirements.

Section 1201.C. was deleted because it was superfluous. This activity is captured by prehospital air transports.

Section 1201.C.2 was renumbered to Section 1201.C.1 and revised to improve the sentence clarity in this section.

Section 1201.C.3 was renumbered to Section 1201.C.2. and revised to reflect new nomenclature and to clarify the purpose of a specific purpose air ambulance.

Section 1201.D. was revised in its entirety to bring required configurations in line with national standards for air medical aircraft and to update language.

Section 1201.E. was rewritten in its entirety to reflect current national standards and accepted industry practices.

Section 1201.F.6. was revised to add “requirements” and the section of the regulations which delineates those requirements for Medical Control.

Section 1201.G.2 and G.3 were revised to change advance life support to “prehospital”, to remove "EMT".

Sections 1201.G4 and G5 were added to crew member requirements.

Section 1202 was rewritten in its entirety in accordance with national and industry standards with recommendations from the air ambulance providers.

Section 1203 title was changed eliminating the interfacility air ambulances and the content was edited to match ALS Prehospital Care Ambulance requirements.

Section 1204 was deleted in its entirety and its content incorporated into Section 1202.

Section 1205 was renumbered to Section 1204.

New Section 1204 was revised to add “fluid or blood product” to items needing medical control approval for use in an air transport by registered nurse or physician; replaced the word “drug” with “medication.”

New Sections 1204.A. through 1204.D. were added to bring air ambulance medication requirements in line with ground ambulance requirements.

Section 1206 was renumbered to Section 1205. No substantive changes.

Section 1300. Patient Care Reports.

Section Title – Added (III) for emphasis. This section is already a Class III violation.

Section 1301 - New section was added to define and regulate patient care reports.

Existing Section 1301, renumbered to Section 1302, was revised to add compliance with PreMIS.

Existing Section 1301, renumbered to Section 1302 and renamed to Data Manager since all patient care reports are now digitally submitted and stored.

Section 1302. A. was revised to define the role of the Data Manager which replaced the Forms Control Officer.

Section 1302.B. was amended to reflect the role name change from Forms Control Officer to Data Manager.

Added new Section 1302.C. to add a requirement that each ePCR submitted must reflect all the attendants on the incident including a non-certified driver (if applicable).

Existing Section 1302, renumbered to Section 1303.

Section 1303.B. was revised to include “all providers on call” to be part of the patient care report.

Existing Section 1302, renumbered to Section 1303.

Section 1303.C. was revised to change the wording that patient care reports should be written coherently and should include all providers on the call.

Added new Section 1303.D. to provide guidance for documenting refusal calls.

Existing Section 1303, renumbered to Section 1304, added new section 1304.A. to include PreMIS information.

Existing Section 1303.A. renumbered to Section 1304.B. was revised to delete space and supplies which are no longer necessary.

Existing Section 1303.B. renumbered to Section 1304.C. and was revised to meet new entry data requirements.

Existing Sections 1303.C., D. and E. were renumbered to Sections 1304.D., E. and F. respectively.

New Section 1303.D. revised “patient care reports” to ePCRs for consistency throughout document.

Existing Section 1303.F. was deleted because it was no longer relevant.

Section 1304.H. was revised for clarity chaining “their” to “the.”

Section 1400. Do Not Resuscitate Order.

Section 1406.F. was amended to add the clarification “(ONLY withheld in the face of cardiac arrest)” for the restriction of continuous cardiac monitoring.

Section 1407.A. was revised for clarity: “suction” to “suctioning.”

Section 1407.D. was revised for grammar since more than one medication is meant.

Section 1500. Fines/Monetary Penalties.

New Section 1500 was added.

New Section 1501.B. contains a schedule of monetary penalties for class violations. The table related to monetary penalties was moved from existing Section 304.F with no changes to the penalty amounts. This new

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Section 1501.B. also incorporates the schedule of fines for failed reinspections of permitted ambulances or the new Category IV violations. The table was moved from existing Section 401.C.1 with defined fine amounts based on failed points accrued.

Existing Section 1500. Severability.

This section was renumbered to 1600 and was revised to correct the outline codification as required by the Legislative Council Standards for drafting regulations. No substantive changes were made.

Existing Section 1600. General.

This section was renumbered to 1700 and was revised to correct the outline codification as required by the Legislative Council Standards for drafting regulations. No substantive changes were made.

Notice of Public Hearing and Opportunity for Public Comments:

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 February 12, 2015. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Robert A. Wronski, South Carolina DHEC, 2600 Bull St., Columbia, South Carolina 29201 or by email to wronskra@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 29, 2014, the close of the public comment period. Written comments received by the December 29, 2014, deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on February 12, 2015, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Mr. Wronski at the above address. Also, an electronic copy of the proposed regulation may be obtained on the Department's Regulatory Information Internet Site in the *DHEC Regulation Development Update* at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/>. (Click on the *Update*, the Health Facilities category, and scan down for this proposed amendment).

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The Department's Bureau of Health Facilities Licensing formulated this statement determined by analysis pursuant to S.C. Code Ann Section 1-23-115 C(1)-(3) and (9)-(11) (2005).

DESCRIPTION OF REGULATION: R.61-7, *Emergency Medical Services*.

Purpose: The purpose of this amendment is to update the language and content of the EMS Regulation in accordance with governing law and patient-focused policy. In addition, stylistic changes were included for corrections for clarity and readability, grammar, references, codification and overall improvement of the text of the regulation.

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

Plan for Implementation: Upon approval from the S.C. General Assembly and publication as a final regulation in the South Carolina State Register, a copy of Regulation 61-7 will be available electronically on the Department's regulation development website under the Health Regulations category at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/> and subsequently in the Code of Regulations on the South Carolina Legislature Online website. Printed copies will be available for a fee from the Department's Freedom of Information Office. Staff will educate the regulated community on the provisions of the Act and the requirements of the regulation.

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

The Department last amended R.61-7 June 23, 2006. S.C. Code Section 1-23-120(J) (Supp. 2012) requires state agencies to perform a review of its regulations every five years and update them if necessary.

Statutory mandates, issues found in the review, and necessity for overall updates render the proposed amendment needed and reasonable. The proposed amendments seek to improve and update the regulation of EMS programs, credentialing, and EMS education in South Carolina. The amendments increase the quality regarding stylistic changes for clarity and readability.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of this regulation should not require additional resources. There is no anticipated additional cost by the Department or State government due to any inherent requirements of this regulation.

External Costs: There are no external costs anticipated.

External Benefits: The amendments update standards of licensure, procedures, and requirements for EMS organizations and providers while maintaining the interests of patient health and safety and lessening provider burdens.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

There should be no effect on the environment.

The amendments seek to reasonably simplify the EMS regulations while providing standards in the interest of patient care and safety for the treatment and transport of the sick and injured in South Carolina.

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

There should not be a detrimental effect on the environment.

If the revision is not implemented, unnecessary burdens may be placed on the EMS providers by not updating the regulations to current national standards.

Statement of Rationale:

The Department proposes to amend R.61-7 to incorporate changes in the Emergency Medical Services Act of South Carolina, S.C. Code Ann. Section 44-61-10 et. seq. (Supp. 2013). Specifically, the amendments will incorporate updated statutory requirements for EMT certification and training to meet national standards; update the vehicle equipment list; modify the ground ambulance requirement to reflect the latest standards and specifications; update the air ambulance requirements to reflect the latest statutory amendments; include ambulance drivers into the regulation; and modify names of certain response agencies.

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.

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. 4541

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

61-79. Hazardous Waste Management Regulations

Preamble:

The Department of Health and Environmental Control (Department) is proposing to amend R.61-79, Hazardous Waste Management Regulations. The proposed amendments will support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments will make technical corrections and correct typographical errors, provide opportunities for the regulated community to use best demonstrated available technologies for treatment of a specific type of waste and reduce compliance costs for industry and revising the definition of solid waste. See the Section-by-Section Discussion of Proposed Amendments below and the Statements of Need and Reasonableness and Rationale herein.

A Notice of Drafting for these proposed amendments was published in the *State Register* on July 25, 2014.

Section-by-Section Discussion of Proposed Amendments:

1. The Department is proposing to amend R.61-79 to adopt the "Removal of Saccharin and Its Salts from the Lists of Hazardous Constitutents," published on January 18, 2011, at 75 FR 78918-78926:

261.33(f). Modify the table to remove the following: U202 Saccharin, & salts.

261 Appendix VIII. Hazardous Constituents. Modify this table to remove the entries for Saccharin and Saccharin salts.

268.40. Modify the table Treatment Standards for Hazardous Wastes to remove the following: U202 Saccharin and salts.

2. The Department is proposing to amend R.61-79 to adopt the “Academic Laboratories Generator Standards Technical Corrections,” published in the Federal Register on December 20, 2010 at 75 FR 79304-79308.

262.200 Definitions. Modify the definition of “Central Accumulation Area” to change 262.34(a) to 262.34(a)-(b) in the first sentence.

262.206(b)(3)(i). This sentence is modified to change the word “consolidating” to “bulking.”

262.212(e)(1). Modify this paragraph to remove the phrase “(or on the label that is affixed or attached to this container, if that is preferred).”

262.214(a)(1). This sentence is modified to change the word “including” to “as follows.”

262.214(b)(1). This sentence is modified to remove the following language: “including how the eligible academic entity will manage containers used for in-line collection of unwanted materials, such as with high performance liquid chromatographs and other laboratory equipment”

3. The Department is proposing to amend R.61-79 to adopt the “Revision of the Land Disposal Treatment Standards for Carbamate Wastes,” published in the Federal Register on June 13, 2011 at 76 FR 34147-34157.

268.40 Table of Treatment Standards for Hazardous Wastes. Modify this table for the following entries: K156; K157; K158; K159; K161; P127; P128; P185; P188; P189; P190; P191; P192; P194; P196; P197; P198; P199; P201; P202; P203; P204; P205; U271; U278; U279; U280; U364; U367; U372; U373; U387; U389; U394; U395; U404; U409; U410; U411 to allow carbamate wastewaters to be treated using combustion, chemical oxidation, biodegradation or carbon absorption, and to allow carbamate nonwastewaters to be treated by combustion.

61-79.268.48. Table of Universal Treatment Standards.

The following constituents will be deleted from this table: Aldicarb sulfone; Barban; Bendiocarb; Benomyl; Butylate; Carbaryl; Carbenzadim; Carbofuran; Carbofuran phenol; Carbosulfan; m-Cumenyl methylcarbamate; Dithiocarbamates (total); EPTC; Formetanate hydrochloride; Methiocarb; Methomyl; Metolcarb; Mexacarbate; Molinate; Oxyamyl; Pebulate; Physostigmine; Physotigmine solicylate; Promecarb; Propham; Popoxur; Prosulfocarb; Thiodicarb; Thiophanate-methyl; Triallate; Triethylamin; Vernolate.

4. The Department is proposing to amend R.61-79 to adopt the “Hazardous Waste Technical Corrections and Clarifications,” published in the Federal Register on May 14, 2012 at 77 FR 22229-22232.

261.32(a). Modify the table for K107 to change the words “carboxylic hydrazides” to “carboxylic acid hydrazides.” Modify the table for K124 to remove a space in the word “ethylenedisdithiocarbamic.” Modify the table for K069 to change the word “effecting” to “affecting.”

266.20(b). Modify this paragraph to add the phrase “of this chapter” after “268.32” and “268.7(b)(6).”

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5. The Department is proposing to amend R.61-79 to adopt the “Conditional Exclusions for Solvent Contaminated Wipes,” published in the Federal Register on July 31, 2013 at 78 FR 46448-46485.

260.10 Definitions. Add, in alphabetical order, the following new definitions: “No free liquids;” “Solvent-contaminated wipe;” “Wipe.”

261.4(a)(25). Add new subitem (25) and reserve it.

261.4(a)(26). Add new subitem (26) by adding language that describes how solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation, provided that when accumulated, stored and transported, are contained in non-leaking, closed containers that are labeled “Excluded Solvent-Contaminated Wipes.” The containers must be able to contain free liquids, should free liquids occur. The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for cleaning and when sent must contain no free liquids as defined in Section 260.10. Any free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in parts 260 through 273.

Generators must maintain at their site the name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes, documentation that the 180-day accumulation time limit is being met, the description of the process the generator is using to ensure the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry cleaned on-site or at the point of being transported off-site for laundering or dry cleaning and that they are sent to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the Clean Water Act.

261.4(b)(16). Add new subitem (16) and reserve it.

261.4(b)(17). Add new subitem (17) and reserve it.

261.4(b)(18). Add new subitem (18) by adding language that describes how solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation provided that when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled “Excluded Solvent-Contaminated Wipes.” The containers must be able to contain free liquids, should free liquids occur.

The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for disposal and when transported must contain no free liquids as defined in section 260.10. Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in parts 260 through 273.

Generators must maintain at their site the name and address of the landfill or combustor that is receiving the solvent-contaminated wipes, documentation that the 180 day accumulation time limit is being met, and the description of the process the generator is using to ensure solvent-contaminated wipes contain no free liquids at the point of being transported for disposal. Generators must also document that the wipes are sent to either a municipal solid waste landfill, a hazardous waste landfill, a municipal waste combustor or another facility regulated under section 129 of the Clean Air Act, or to a hazardous waste combustor, boiler, or industrial furnace regulated under parts 264, 265, or 266 subpart H.

6. The Department is proposing to amend R.61-79 to incorporate three recommended changes identified in its internal 2013 review for the South Carolina Governor’s Regulatory Review Task Force.

262.34. This section is modified to make the South Carolina regulations for small quantity generators who must transport waste 200 miles or more for off-site treatment, storage or disposal consistent with the federal regulations.

263.23(a). Modify this paragraph to add the word “disposing” to wherever it states, “blending, mixing, treating, or storing.”

264.340(e). Add a new paragraph by adding the following language: The owner or operator of an incinerator may conduct trial burns subject only to the requirements of Section 270.62 (hazardous waste incinerator permits).

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral and/or written comments on the proposed amendments of R.61-79 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on January 8, 2015. The Board will conduct the public hearing in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board’s agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to David Scaturro by mail at Bureau of Land and Waste Management, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-0590; or by e-mail at scaturdm@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on December 29, 2014, the close of the public comment period. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control’s consideration at the public hearing.

Copies of the proposed amendments for public comment as published in the *State Register* on November 28, 2014 may be obtained online in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. Click on the Land and Waste Management item and scan down to the proposed amendments of R. 61-79. A copy can also be obtained by contacting David Scaturro at the above address or by called (803)898-0590, or by email at scaturdm@dhec.sc.gov.

Preliminary Fiscal Impact Statement:

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

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Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose: The proposed amendments of R.61-79 will support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments will make technical corrections and correct typographical errors, provide opportunities for the regulated community to use best demonstrated available technologies for treatment of a specific type of waste, reduce overall compliance costs for industry and revise the definition of solid waste.

Legal Authority: The legal authority for R.61-79 is S.C. Code Section 44-56-30.

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly, and publication in the *State Register*. An electronic copy of R.61-79, that includes these latest amendments, will be published on the Department's Regulation Development website at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/>. At this site, click on the Land and Waste Management category and scan down to R.61-79. Subsequently, this regulation will be published on the S.C. Legislature website in the S.C. Code of Regulations. Printed copies will be made available at cost by request through the DHEC Freedom of Information Office. The Department will also send an email to stakeholders and affected facilities and to other interested parties.

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

1. The Department proposes to amend R.61-79 to adopt the "Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents," published on January 18, 2011 at 75 FR 78918-78926. The rule removes saccharin and its salts from the lists of hazardous constituents and commercial chemical products which are hazardous wastes when discarded or intended to be discarded.

2. The Department is proposing to amend R.61-79 to adopt the "Academic Laboratories Generator Standards Technical Corrections," published in the Federal Register on December 20, 2010 at 75 FR 79304-79308. The rule makes technical corrections to Subpart K, 40 CFR part 262, which established an alternative set of generator requirements applicable to laboratories owned by eligible academic entities that are flexible and protective, and address the specific nature of hazardous waste generation and accumulation in these laboratories.

3. The Department is proposing to amend R.61-79 to adopt the "Revision of the Land Disposal Treatment Standards for Carbamate Wastes," published in the Federal Register on August 11, 2011 at 76 FR 34147-34157. The rule provides as an alternative standard the use of the best demonstrated available technologies (BDAT) for treating hazardous wastes from the production of carbamates and carbamate commercial chemical products, off-specification or manufacturing chemical intermediates and container residues that become hazardous wastes when they are discarded or intended to be discarded. In addition, this action removes carbamate Regulated Constituents from the table of Universal Treatment Standards.

4. The Department is proposing to amend R.61-79 to adopt the "Hazardous Waste Technical Corrections and Clarifications," published in the Federal Register on May 14, 2012 at 77 FR 22229-22232. The rule corrects a typographical error in the entry "K107" in the table listing hazardous wastes from specific sources at 40 CFR 261.32; and makes a conforming change at 40 CFR 266.20(b) to clarify that a recycling facility must keep a one-time certification and notification related to recyclable materials being used in a manner constituting disposal.

5. The Department is proposing to amend R.61-79 to adopt the “Conditional Exclusions for Solvent Contaminated Wipes,” published in the Federal Register on January 31, 2014 at 78 FR 46448-46485. The rule revises the definition of solid waste to conditionally exclude solvent contaminated wipes that are cleaned and reused. It also revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed of. The purpose of this final rule is to provide a consistent regulatory framework that is appropriate to the level of risk posed by solvent-contaminated wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry, many of which are small businesses. This rule is considered to be less stringent than the existing federal rules. Authorized states whose programs include less stringent requirements than today’s final rule are required to modify their programs to maintain consistency with the federal program per the revisions of 40 CFR 271.21(e). In addition, any states that delineate their program for reusable wipes in guidance documents or interpretive letters will need to promulgate enforceable regulations, as required by 40 CFR 271.21(a). Authorized states may specify a different standard or test method for determining that solvent contaminated wipes contain no free liquid (in lieu of the Paint Filter Liquids test).

6. The Department is proposing to amend R.61-79 to incorporate three recommended changes identified in its internal 2013 review for the South Carolina Governor’s Regulatory Review Task Force (Executive Order #2013-02) in order to provide consistency with existing federal regulations.

The intent of these amendments is to simplify and correct certain issues in our regulations to support the Department’s goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. There would be no detrimental effect on the environment and public health if the proposed amendments to R. 61-79 are adopted.

DETERMINATION OF COSTS AND BENEFITS:

There should be no increased cost to the State or its political subdivisions resulting from this proposed revision. Amendments to R.61-79 will benefit the regulated community by correcting typographical errors, making technical corrections, making them consistent with existing federal regulations and clarifying the regulations, removing Saccharin and its salts from the list of hazardous constituents and revising the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed of maintains protection of human health and the environment, while creating flexibility and reducing compliance costs for generators. Providing as an alternative standard the use of best demonstrated available technologies for treating carbamate wastes will help prevent facilities that treat them from potentially having to face curtailment of operations.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed revisions to R.61-79 will provide continued protection of the environment and public health.

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

There will be no detrimental effect on the environment and/or public health associated with these revisions. Rather, the State’s authority to implement programs for which the State has been delegated authority, which are beneficial to public health and the environment, would be compromised if these amendments were not adopted in South Carolina. Permit streamlining and regulatory text clarification will have a positive effect on both the environment and public health.

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Statement of Rationale:

R.61-79 contains requirements for hazardous waste management, including identification of waste, standards for generators, transporters, and owners/operators of treatment, storage, and disposal (TSD) facilities, procedures for permits for TSD facilities, investigation and cleanup of hazardous waste, and closure/post-closure requirements. The regulation is promulgated pursuant to the S.C. Hazardous Waste Management Act, Section 44-56-30. As an authorized state program, the regulation must be equivalent to and consistent with the U.S. EPA's regulations under the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et. seq.* EPA periodically promulgates regulations that are either mandatory for authorized state programs to adopt or maintain program equivalency or are optional for states because the changes are less stringent than the current federal regulation. R. 61-79 has been amended numerous times since it was first promulgated in 1984 to adopt federal regulations and to establish state-only requirements.

Text:

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

Document No. 4542

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

61-107.3. Solid Waste Management: Waste Tires

Preamble:

The South Carolina Solid Waste Policy and Management Act (Act), Section 44-96-10 et seq., S.C. Code of Laws, 1976, as amended, requires the Department to promulgate regulations establishing standards for the management of waste tires. In 1993, to satisfy the requirements of the Act, the Department promulgated R.61-107.3, Solid Waste Management: Waste Tires. The regulation has not been amended since it became effective in 1993.

The Department is proposing to amend the regulation in order to better support the Department's goal of protecting the health of the public and environment. The revisions are proposed to ensure waste tires are properly managed so as to reduce the incidences of illegal waste tire dumping. This amendment expands and clarifies definitions applicable to waste tire management; expands and clarifies the operational, permitting and registration requirements for haulers, collectors and processors of waste tires; and establishes bonding requirements for certain waste tire haulers. The amendment removes a section referencing disposal facilities, as tire disposal is addressed in R.61-107.19 SWM: Solid Waste Landfills and Structural Fill. The amendment expands and clarifies exemptions to the regulation; clarifies reporting and recordkeeping; clarifies penalties for violations; and provides corrections for consistency, clarity, and formatting to improve the overall text of Regulation 61-107.3.

The statutory process for development of this regulation was initiated by publication of a Notice of Drafting in the *State Register* on May 23, 2014. Notice was also published on the Department's Regulation Information internet site in its monthly *DHEC Regulation Development Update*, as well as on the DHEC Bureau of Land and Waste Management internet site. Comments received during the drafting comment period were considered in drafting the proposed amendment. The proposed amendment was drafted in consultation with tire manufacturers, tire retailers, waste tire haulers, waste tire processors, and representatives of the waste management industry. Input was solicited from representatives of environmental organizations and the South Carolina Retail Association. Public sector input was provided by federal, state, county and municipal

government representatives, state and local mosquito control officials, the South Carolina Association of Counties, the South Carolina Municipal Association, the South Carolina Department of Commerce, and Department staff. This regulation revision will require legislative review.

Section-by-Section Discussion of Proposed Regulation as Amended

61-107.3. Solid Waste Management: Waste Tires.

Revision Overview:

The regulation is reorganized for clarity and divided into five separate parts: General Provisions, Waste Tire Hauler Requirements, Collection Facility Requirements, Waste Tire Processing Requirements, and Financial Assurance and Closure Procedures for Permitted Facilities.

The proposed revision clarifies and updates manifesting and record keeping requirements for the transport of waste tires.

The proposed revision clarifies registration requirements for waste tire haulers and establishes a requirement that waste tire haulers secure financial assurance.

The proposed regulation removes references to waste tire disposal facilities. The proposed revision addresses only waste tire recycling or processing prior to disposal. Disposal of waste tires and processed tires is addressed in R.61-107.19 Solid Waste Management: Solid Waste Landfills and Structural Fill.

Part I. General Provisions

Exemptions for agricultural purposes and for tire manufacturers are moved to the applicability section.

The Definitions section adds the following definitions:

“Local government” means a county, any municipality located wholly or partly within the county, and any other political subdivision located wholly or partly within the county when such political subdivision provides solid waste management services.

“Waste tire generator” means a person that initiates the delivery of waste tires or processed tires to a waste tire collection or processing facility, or to a solid waste management facility.

“Tire derived product” means processed tire material which has been sold and removed from the processing facility.

The Definitions section revises the following definitions:

“Processed tire” means a waste tire that has been cut, shredded, burned or otherwise altered so that it is no longer whole; or tires that have been baled or compacted. The term does not include tire products as described in the waste tire processing permit application and approved by the Department in the permit.

“Quantity” means either volume as measured by cubic yard, weight as measured in tons or pounds, or actual number of tires.

“Waste tire collection site” is changed to “Waste tire collection facility” and defined as meaning a permitted facility, or a facility exempted from the permit requirement, used for the temporary storage of waste tires prior to treatment or recycling.

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“Waste tire hauler” means a person engaged in the transportation of greater than fifteen (15) waste tires at one time for the purpose of storage, processing, or disposal.

“Waste tire processing facility” means a site where equipment is used to recapture reusable by-products from waste tires or to cut, burn, or otherwise alter whole waste tires so that they are no longer whole. The term includes mobile waste tire processing equipment, waste tire pyrolysis units, and waste tire baling or compacting equipment.

“Wetlands” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

The Definition section removes the following definitions because they are not used in the regulation:

“Service area”

“Waste tire disposal facility”

“Waste tire site”

The definition of “motor vehicle” has been removed from the regulation for clarity.

Part I clarifies and updates manifesting requirements for the transport of waste tires and processed tires. The revision requires manifesting for transportation of more than 15 tires at any one time, and stipulates that a manifest be signed by the waste tire generator, the waste tire hauler, and the facility to which the waste tires are delivered. The section describes the recordkeeping requirements for manifesting. The section adds an exemption from manifesting for local governments when waste tires are hauled from designated residential recycling/convenience centers to the local government consolidation point. This Part also adds language to clarify how violations, penalties and variances to the regulation will be addressed.

Part II. Waste Tire Hauler Requirements

Part II updates the registration requirements for waste tire haulers, and clarifies that certain entities are exempted from registration requirements. The section stipulates that persons who haul more than 15 waste or processed waste tires must register with the Department, and includes an existing exemption for retreading companies.

The section outlines deadlines for application renewals and addresses annual reporting requirements.

The section adds a requirement that any person hauling waste tires for compensation by others, secure financial assurance in the amount of \$10,000 to cover any necessary corrective action. The section describes allowable financial assurance mechanisms as surety bonds, irrevocable letters of credit, insurance, trust funds, and corporate financial test or other mechanisms approved by the Department.

Part III. Collection Facility Requirements

Section III outlines the permitting requirements for waste tire collection facilities. The section retains exemptions from the existing regulation for tire retailers, tire retreading companies, businesses that remove tires from motor vehicles, and permitted solid waste facilities. The regulation clarifies exemptions for businesses that store tire derived products, and adds exemptions for local government collection facilities. The section includes location, design, and operating requirements for collection facilities, and establishes new buffers to property lines and wells in order to be more protective of the environment and public health. The section includes record keeping and annual reporting requirements.

Part IV. Waste Tire Processing Facility Requirements

Part IV updates requirements for waste tire processors. It addresses permit application procedures and references the location, design, and operating requirements included in Part III. The section clarifies the tire processing permit exemption for permitted solid waste management facilities, which is addressed in Section D of the current regulation. The section addresses record keeping and annual reporting requirements.

Part V. Financial Assurance and Closure for Permitted Facilities

Part V addresses financial assurance coverage requirements for permitted facilities. Financial assurance is required for permitted facilities in an amount sufficient for third party costs to remove, recycle and/or dispose of all tires, processed tires and residuals, and for closure of the facility in accordance with the regulation. The section outlines acceptable financial assurance mechanisms, and exempts local governments from those requirements.

The regulation stipulates requirements for noticing and site preparation of facilities seeking to close, and establishes standards for inspection and verification by Department staff prior to release of remaining financial assurance.

Part V. K Closure of Non-Permitted Sites is removed in the revision. Section K addressed closure of non-permitted facilities in existence at the time of the original regulation in 1993. The revision removes any special consideration given to existing non-permitted sites. Non-permitted sites would be considered in the revised regulation to be collection facilities operating without a permit, unless specifically exempted.

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 January 8, 2014. 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, 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 published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Jana White, Bureau of Land and Waste Management, S.C. DHEC, 2600 Bull St., Columbia, S.C. 29201 or by email to whitejm@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 29, 2014, the close of the public comment period. Written comments received by the December 29 deadline will be considered by the Department in formulating the final proposed regulation for public hearing 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 revisions for public comment as published in the State Register on November 28, 2014, may be obtained online in the DHEC Regulation Development Update at www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/. Click on the Land and Waste Management category and scan down to the proposed amendment to R.61-107.3. A copy can also be obtained by contacting Jana White at the above address or by calling (803)898-1346 or by email at whitejm@dhec.sc.gov.

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Preliminary Fiscal Impact Statement:

Additional costs to state government are not anticipated. There are no direct costs to local governments that can be attributed to this regulation.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose: The proposed amendment will support the Department's goal of promoting and protecting the health of the public and the environment, by ensuring waste tires are managed properly. This amendment expands and clarifies definitions applicable to waste tire management; expands and clarifies the operational, permitting and registration requirements for haulers, collectors and processors of waste tires; and establishes bonding requirements for certain waste tire haulers. The amendment expands and clarifies exemptions to the regulation; clarifies reporting and record keeping; clarifies penalties for violations; and provides corrections for consistency, clarity, and formatting to improve the overall text of Regulation 61-107.3.

Legal Authority: 1976 Code Sections 44-96-10 *et seq.* Legislative review is required.

Plan for Implementation: Upon approval of the General Assembly and publication in the South Carolina State Register, a copy of the revised regulation will be available electronically on the Department's website on the Department's Laws and Regulations website under the Land and Waste Management category at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/>. Subsequently, a copy of the regulation will be published in the S.C. Code of Regulations on the S.C. Legislature Online website. Printed copies will be available for a fee from the Department's Freedom of Information Office. Staff will notify parties that have expressed interest in the regulation amendment process, and will communicate with affected parties on the requirements of the amended regulation. No additional positions or personnel should be needed to enforce the regulation as proposed.

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

The current regulation was promulgated in 1993 and has never been amended. Although the Department has overseen the removal of numerous illegal waste tire stockpiles that were in existence when the regulation was promulgated, staff has continued to identify new illegal dumps. The proposed amendment is designed to reduce incidences of illegal dumping, to help identify illegal dumpers, and to satisfy tire generators, local governments and waste tire processors who have requested that the Department expand regulatory requirements for waste tire hauling. The proposed amendment adds financial assurance requirements for haulers, and expands manifesting requirements. These changes are needed and reasonable because they will clarify standards for managing tires, and enable the Department to better identify those who are not managing tires appropriately.

DETERMINATION OF COSTS AND BENEFITS:

Internal costs and benefits: There should be no increased cost to the State or its political subdivision resulting from this proposed revision. The proposed amendment seeks to benefit the environment by preventing illegally dumped tires, thereby reducing locations where mosquitoes breed. A decrease in illegal dumping would result in a cost savings to the Department and to local governments due to a decrease in the need for waste tire stockpile removals. This cost savings should increase the funds available for grants to local governments for the purchase of products made from recycled tires, such as playground material and walking trails. Recycled product grants

should benefit residents of local governments receiving the grants, and the businesses that recycle waste tires and sell products made from the recycled material.

External costs and benefits: The proposed revisions seek to benefit tire retailers or other generators of waste tires by helping ensure that the haulers they hire will deliver tires to appropriate locations. There will be some limited external costs for implementing the manifesting requirements of the regulation, but these costs are anticipated to be minimal, and are related primarily to record keeping. There will be added external costs to waste tire haulers for implementation of the financial assurance requirements, but these costs are felt to be minimal relative to the benefits to local governments, residents, waste tire generators and private property owners. Added benefits should be derived by waste tire processors because proper tire management should provide them additional rubber feedstock for recycling and for sale as new tire-derived products.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

While there are many positive impacts anticipated as a result of these revisions, the primary intention is to decrease the likelihood of illegal dumping, collection and storage of waste tires. Illegally stored tires attract vermin and increase production of mosquitoes, resulting in public health nuisances and the promotion of diseases in humans and animals. Illegally dumped tires pose a fire hazard, with tire fires resulting in both toxic fumes and harmful runoff. The anticipated result of these revisions is that tires will be managed properly, protecting both public health and the environment.

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

Without the proposed regulation revisions, the Department would continue to struggle to prevent the illegal dumping of waste tires. The impact on the environment and public health would include mosquito and vector nuisances, as well as the potential increase in illness and diseases to humans and animals.

Statement of Rationale:

The South Carolina Solid Waste Policy and Management Act of 1991 directed the Department to develop regulations to promote the recycling and proper management of waste tires. The resulting regulation was promulgated in 1993, but has been identified by the Department and by various members of the tire management community as being in need of updating.

A stakeholder workgroup developed the criteria on which the proposed regulation revision is based. The workgroup included private sector representatives including tire manufacturers, tire retailers, waste tire haulers, waste tire processors, and representatives of the waste management industry. Input was solicited from representatives of environmental organizations and the South Carolina Retail Association. Public sector representation was provided by federal, state, county and municipal government representatives; state and local mosquito control officials; the South Carolina Association of Counties; the South Carolina Municipal Association; the South Carolina Department of Commerce; and Department staff.

The Department conducted a stakeholder meeting and circulated multiple versions of the drafted revisions for comment from the stakeholder members. Comments received during the stakeholder process were considered as revisions were developed.

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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. 4543

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Section 44-7-260

61-17. Standards for Licensing Nursing Homes

Preamble:

The Department of Health and Environmental Control (Department) proposes amending R.61-17, Standards for Licensing Nursing Homes. In the interest of supporting the Department's goal of protecting the health of the public, these amendments establish more specific accident and incident reporting procedures, make technical corrections and correct typographical errors, bring meal service and dietary service requirements into compliance with R.61-25, Retail Food Establishments, and update design, construction, and fire protection/prevention standards in compliance with provisions of the codes officially adopted by the South Carolina Building Codes Council and South Carolina Fire Marshal.

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

Section-by-Section Discussion of Proposed Amendments:

SECTION CITATION/EXPLANATION OF CHANGE:

Add the statutory authority under the title of the regulation in the text.

TABLE OF CONTENTS

The table was revised to reflect the proposed amendments.

61-17.101 Definitions

The definitions of Sections 61-17.101.D Administrator, 61-17.101.R (formerly 61-17.101.U) Designee, 61-17.101.Y (formerly 61-17.101.DD) Facility, 61-17.101.JJ (formerly 61-17.101.SS) Legend Drug, 61-17.101.LL (formerly 61-17.101.VV) Licensed Nurse, 61-17.101.MM (formerly 61-17.101.WW) Licensee, 61-17.101.RR (formerly 61-17.101.EEE) Nursing Home, 61-17.101.LLL (formerly 61-17.101.DDDD) Shifts, and 61-17.101.PPP (formerly 61-17.101.IIIII) Suspension of License have been amended.

The definitions of Sections 61-17.101.M Change in Controlling Interest, 61-17.101.N Change of License, 61-17.101.S Dentist, 61-17.101.V Dietitian, 61-17.101.BB Existing Facility, 61-17.101.EE Family Council, 61-17.101.FF Feeding Assistant, 61-17.101.G Fire Resistant, 61-17.101.HH Fire Resistive Rating, 61-17.101.UU Licensed Bed, 61-17.101.YY Monitoring, 61-17.101.BBB New Facility, 61-17.101.DDD Nursing Care, 61-17.101.GGG On Call, 61-17.101.HHH On Duty, 61-17.101.III Outpatient, 61-17.101.JJJ Personal Care, 61-17.101.SSS Ramp, 61-17.101.HHHH Staff Work Area, and 61-17.101.MMMM Unrelated (As in kinship) have been deleted. The remaining definitions were renumbered to adjust the codification.

61-17.102 References

Section 61-17.102.A and 61-17.102.B were amended to delete references that are no longer applicable. The remaining sections were renumbered to adjust the codification.

61-17.201 License Requirements

Section 61-17.201.A was amended to delete the reference to the effective date of licensure and the reference to definitions that have been deleted. Section 61-17.201.B was amended to define compliance with building codes is applied to an initial license or new construction. Section 61-17.201.C was amended to reflect the new building code terminology. Section 61-17.201.F was amended to clarify respite care. Section 61-17.201.I was deleted. Section 61-17.201.J (formerly 61-17.201.K) was amended to add language change of license requirements. The remaining sections were renumbered to adjust the codification.

61-17.302 Inspections and Investigations

Section 61-17.302.D was revised to capitalize “Administrator” and to have the Department specify the due date of an acceptable written plan of correction. Section 61-17.302.E was revised to update the code citation. Section 61-17.302.F was added to inform the licensee he or she may be charged for an inspection fee.

61-17.402 Violation Classification

Section 61-17.402.F was revised to lower the dollar amount for class violations. Section 61-17.402.G was deleted.

61-17.500 Policies and Procedures

Section 61-17.500 was revised to include the former Section 61-17.501 pursuant to recodification. Section 61-17.500.B (formerly 61-17.501.B) was amended to correct codification and delete the requirement regarding microwave ovens in resident rooms.

61-17.501 General (Policies and Procedures)

Section 61-17.501 was deleted and relocated to Section 61-17-500 pursuant to codification and rules of construction.

61-17.601 General (Staff/Training)

Section 61-17.601.A was deleted. Section 61-17.601.A (formerly 61-17.601.B) was amended to address criminal background checks. The remaining sections were renumbered to adjust the codification.

61-17.602 Criminal Record Check

Section 61-17.602 was deleted as Section 61-17.602 was relocated to Section 61-17.601.A. The remaining sections were renumbered to adjust the codification.

61-17.602 Administrator (formerly 61-17.603)

Section 61-17.602.B (formerly 61-17.603.B) was revised to the current codification standard.

61-17.603 Direct Care Staff (formerly 61-17.604)

Section 61-17.603.C (formerly 61-17.604.C) was revised to clarify the requirements for a nurse aide.

61-17.606 Inservice Training (formerly 61-17.607)

Section 61-17.606.B (formerly 61-17.607.B) was revised to the current codification standard.

61-17.607 Health Status (formerly 61-17.608)

Section 61-17.607.A (formerly 61-17.608.A) was revised to allow a health assessment within twelve months prior to hire or initial resident contact.

61-17.608 Volunteers (formerly 61-17.609)

Sections formerly 61-17.609.C and 61-17.609.D were deleted. Section 61-17.608.C.1 (formerly 61-17.609.E.1) was revised to allow a health assessment within twelve months prior to initial date of volunteering or initial resident contact. Section 61-17.608.C.3 (formerly 61-17.609.E.3) was revised to current fire response training standards. The remaining sections were renumbered to adjust the codification.

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61-17.609 Private Sitters (formerly 61-17.610)

Section 61-17.609.A.2 (formerly 61-17.610.A.2) was revised to relocate the private sitter orientation program requirements to Section 61-17.609.A.3 (formerly 61-17.610.A.3). Section 61-17.609.A.3 (formerly 61-17.610.A.3) was revised to reflect and clarify the requirements of the private sitter orientation program. The remaining sections were renumbered to adjust the codification. Section 61-17.609.B (formerly 61-17.610.B) was revised to change the private sitter health assessment requirement from within three (3) months to within twelve (12) months prior to initial resident contact. Sections 61-17.609.B (formerly 61-17.610.B) and 61-17.609.C (formerly 61-17.610.C) were revised to adjust referenced sections where those section citations have changed.

61-17.701 Accidents/Incidents

The Section 61-17.701 title was amended to include “Accidents.” Sections 61-17.701.A, 61-17.701.B and 61-17.701.C (formerly 61-17.701.F) were amended to the current standards of accident/incident reporting. Sections 61-17.701.D, 61-17.701.E and 61-17.701.G were deleted. Section 61-17.701.E (formerly 61-17.701.H) was amended to clarify reporting injuries to the physician not to exceed twenty-four hours. Section 61-17.701.F (formerly 61-17.701.I) was amended to clarify abuse reporting requirements. The remaining sections were renumbered to adjust the codification.

61-17.702 Fire/Disasters

Sections 61-17.702.A and 61-17.702.B were amended to clarify reporting a fire to the Department within five (5) days and added the ability to report by email.

61-17.704 Administrator Change

Section 61-17.704 was revised regarding references to the “Division of Health Licensing” changed to “The Department.”

61-17.706 Facility Closure

Section 61-17.704.A and 61-17.704.B were revised regarding references to the “Division of Health Licensing” changed to “The Department.” Section 61-17.704.B was amended to clarify the reporting time to the Department to fifteen days and in the event of emergency closure to twenty-four hours.

61-17.707 Zero Census

Section 61-17.707 was revised regarding references to the “Division of Health Licensing” changed to “The Department.”

61-17.801 Content (Resident Records)

Section 61-17.801.B.5 was revised to add “Accidents” to match title Section 61-17.701 “Accidents/Incidents.”

61-17.803 Individual Care Plan (ICP)

Section 61-17.803.A was revised to allow within twenty-one (21) days of admission to perform the individual care plan.

61-17.804 Record Maintenance

Section 61-17.804.A.1 was revised to capitalize “Administrator”. Sections 61-17.804.B.5 and 61-17.804.C.2 were revised to the current codification standard. Section 61-17.804.E was revised regarding references to the “Division of Health Licensing” changed to “The Department”

61-17.901 Admission/Retention

Section 61-17.901 was deleted to correct outline. Section 61-17.901.C was revised to capitalize “Administrator”.

61-17.1001 General (Resident Care and Services)

Section 61-17.1001.C was revised to clarify treatment and services. Section 61-17.1001.H was revised to clarify assistance in obtaining pastoral counseling.

61-17.1004 Physician Services

Section 61-17.1004.A.1 was revised to the current codification standard.

61-17.1007 Physician Services

Section 61-17.1007.B was revised to clarify the “No Smoking” requirements and exceptions when oxygen is being dispensed.

61-17.1012 Restraints

Sections 61-17.1012.A and 61-17.1012.B were revised to correct grammar.

61-17.1013 Discharge/Transfer

Section 61-17.1013.F was revised to capitalize “Administrator”.

61-17.1101 General (Rights and Assurances)

Section 61-17.1101.A was revised to the current codification standard. Section 61-17.1101.G was revised regarding references to the “Division of Health Licensing” changed to “The Department.”

61-17-1102 Resident and Family Councils

Section 61-17-1102.B was revised to capitalize “Administrator”.

61-17-1200 Resident Physical Examination and Tuberculosis Screening

Section 61-17-1200 was revised to relocate the violation classification from Section 61-17.1201. Section 61-17-1200 was revised to include the former Sections 61-17.1201.A, 61-17.1201.B and 61-17.1201.C which were revised to current codification standard. Section 61-17.1200.A (formerly 61-17.1201.A) was revised to allow legally authorized healthcare providers to conduct admission physical examinations.

61-17.1201 General (Resident Physical Examination and Tuberculosis Screening)

Section 61-17.1201 was deleted to conform to format and relocated to Section 61-17.1200.

61-17.1303 Administering Medication

Section 61-17.1303.G was amended to include all scheduled controlled substances to have a documented review at each shift change.

61-17.1306 Medication Storage

Section 61-17.1306.A was revised to delete the reference to a section referring to a locked medicine preparation room. Section 61-17.1306.B was revised to clarify the storage of medication requiring refrigeration.

61-17.1307 Medication Control and Accountability

Section 61-17.1307.D was amended to include all scheduled controlled substances to be maintained on separate control sheets in accordance with the “Controlled Substance Act.”

61-17.1309 Disposition of Medications

Section 61-17.1309.B was revised to correct grammar.

61-17.1401 General (Meal Service)

Sections 61-17.1401.A and 61-17.1401.C were revised regarding references to the “Division of Health Licensing” changed to “The Department.” Section 61-17.1401.G was revised to clarify the requirement of the accuracy of the thermometer in each dietary refrigerator.

61-17.1402 Food and Food Storage

Sections 61-17.1402.D, 61-17.1402.F and 61-17.1402.G were deleted. The remaining sections were renumbered to adjust the codification.

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61-17.1403 Food Equipment and Utensils

Sections 61-17.1403.C and 61-17.1403.D were deleted. The remaining sections were renumbered to adjust the codification.

61-17.1404 Meals and Services

Section 61-17.1404.D was revised to the current codification standard. Section 61-17.1404.F was deleted. The remaining sections were renumbered to adjust the codification.

61-17.1405 Meal Service Staff

Sections 61-17.1405.A and 61-17.1405.H were deleted. Section 61-17.1405.B (formerly 61-17.1405.C) was revised to add additional acceptable qualifications for a food service supervisor. The remaining sections were renumbered to adjust the codification.

61-17.1409 Equipment

Section 61-17.1409 was deleted in its entirety.

61-17.1410 Refuse Storage and Disposal

Section 61-17.1410 was deleted in its entirety.

61-17.1502 Disaster Preparedness

Sections 61-17.1502.C and 61-17.1502.D.2 were revised regarding references to the “Division of Health Licensing” changed to “The Department.”

61-17.1503 Licensed Bed Capacity During an Emergency

Section 61-17.1503.A.1 was revised regarding references to the “Division of Health Licensing” changed to “The Department.” Sections 61-17.1503.B, 61-17.1503.C, and 61-17.1503.D were added to clarify the requirements of licensed bed capacity during an emergency which mirror the requirements of an internal medical surge. Section 61-17.1503.E (formerly 61-17.1503.B) was revised grammatically to clarify the requirement to resolve in advance issues related to temporary residents. Former Section 61-17.1503.C was deleted. The remaining sections were renumbered to adjust the codification.

61-17.1506 Use of the Facility or Services in Response to a Public Health Emergency

Section 61-17.1506 was revised to the current codification standard.

61-17.1601 Arrangements for Fire Department Response/Protection

Section 61-17.1601.B was revised regarding references to the “Division of Health Licensing” changed to “The Department.”

61-17.1602 Tests

Section 61-17.1602 was amended to the current codes adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.

61-17.1603 Fire Response Training

Section 61-17.1603.A was revised regarding staff members receiving fire response training within twenty-four (24) hours of the first day on the job.

61-17.1700 Maintenance

Section 61-17.1700 was deleted and relocated to Section 61-17.2100. The remaining sections were renumbered to adjust the codification.

61-17.1701 General (Maintenance)

Section 61-17.1701 was deleted and relocated to Section 61-17.2100. The remaining sections were renumbered to adjust the codification.

61-17.1702 Equipment

Section 61-17.1702 was deleted and relocated to Section 61-17.2100. The remaining sections were renumbered to adjust the codification.

61-17.1700 Infection Control and Environment (formerly 61-17.1800)

Section 61-17.1700 (formerly 61-17.1800) was renumbered to adjust the codification. The remaining sections were renumbered to adjust the codification.

61-17.1701 Staff Practices (formerly 61-17.1801)

Section 61-17.1701.A (formerly 61-17.1801.A) was revised to delete guidelines referenced that are not current.

61-17.1702 Tuberculosis Risk Assessment (formerly 61-17.1802)

Section 61-17.1702.A (formerly 61-17.1802.A) was revised to the current codification of the referenced sections. Section 61-17.1702.B (formerly 61-17.1802.B) was revised to change “patient” to “resident” to maintain consistency.

61-17.1703 Staff Tuberculosis Screening (formerly 61-17.1803)

Section 61-17.1703.C.2 was revised to capitalize “Administrator”. Section 61-17.1703.D.2 was added to clarify the requirement for staff with positive TST results. The remaining sections were renumbered to adjust the codification.

61-17.1704 Resident Tuberculosis Screening (formerly 61-17.1804)

Sections 61-17.1704.B.1.a and 61-17.1704.B.1.b were added to clarify administering the two-step TST for low risk and medium risk TB screenings. Section 61-17.1704.C.2 was added to clarify the requirement for resident with positive TST results. The remaining sections were renumbered to adjust the codification.

61-17.1705 Isolation Procedures (formerly 61-17.1805)

Section 61-17.1705.A (formerly 61-17.1805.A) was revised to delete reference Section 61-17.2804 that is no longer current. Section 61-17.1705.C (formerly 61-17.1805.C) was revised to the appropriate referenced definition.

61-17.1706 Vaccinations (formerly 61-17.1806)

Section 61-17.1705.A.2 (formerly 61-17.1806.A.2) was revised to adjust for the appropriate referenced section and to correct the timeframe to complete the vaccination series within six (6) months.

61-17.1707. Housekeeping (formerly 61-17.1807)

Section 61-17.1707.A (formerly 61-17.1807.A) was revised to delete the word “neat.”

61-17.1708 Infectious Waste (formerly 61-17.1808)

Section 61-17.1708 (formerly 61-17.1808) was revised to delete guidelines referenced that are not current.

61-17.1800 Quality Improvement Program (formerly 61-17.1900)

Section 61-17.1800 (formerly 61-17.1900) was revised by moving the text from Section 61-17.1801 (formerly 61-17-1901).

61-17.1801 General (Quality Improvement Program) (formerly 61-17.1901)

Section 61-17.1801 (formerly 61-17-1901) was deleted and relocated to Section 61-17.1800 (formerly 61-17.1900) to conform to format.

61-17.1900 Design and Construction (formerly 61-17.2000 and 61-17.2001)

Section 61-17.1900 (formerly 61-17.2000 and 61-17.2001) was renumbered to adjust the codification.

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61-17.1901 General (Design and Construction) (formerly 61-17.2001)

Section 61-17-1901.A (formerly 61-17.2001.A) was deleted. Section 61-17-1901.B (formerly 61-17-2001.B) was deleted and relocated to Section 61-17-1901 (formerly 61-17-2001) to conform to format. Section 61-17.1900 (formerly 61-17.2001.B) was revised to clarify that a facility shall be planned, designed, and equipped to provide and promote the health, safety, and well-being of each resident.

61-17.1902 Codes and Standards (formerly 61.17.2002)

Section 61-17.1902 (formerly 61.17.2002) title was revised to delete “Local and State.” Sections 61-17.1902.A (formerly 61.17.2002.A) and 61-17.1902.B (formerly 61.17.2002.B) were amended to delete the previous language and revise to include the codes adopted by the South Carolina Building Code Council and the South Carolina State Fire Marshal. Section 61-17.1902.C was added to clarify same site and new building requirements.

61-17.1903 Submission of Plans (formerly 61.17.2003)

Section 61-17.1903 (formerly 61.17.2003) title was revised to delete “Construction/Systems” and add “Submission of Plans.” Sections 61-17.1903.A (formerly 61.17.2003.A), 61-17.1903.B (formerly 61.17.2003.B), 61-17.1903.C (formerly 61.17.2003.C), and 61-17.1903.D (formerly 61.17.2003.D) were deleted regarding construction and systems and were written regarding the submission of plans requirements for construction. Section 61-17.1903.E was added to clarify when construction work needs to be brought into compliance.

61-17.1904 Construction Permits (formerly 61-17.2004)

Section 61-17.1904 (formerly 61-17.2004) title was revised to delete “Submission of Plans and Specifications” and add “Construction Permits.” Sections 61-17.2004.A, 61-17.2004.B, 61-17.2004.C, 61-17.2004.D, 61-17.2004.E and 61-17.2004.F were deleted in their entirety. Section 61-17.1904 (formerly 61-17.2004) was revised to clarify projects requiring permits.

61-17.1905 Work Station

Section 61-17.1905 was amended to add language to clarify that a work station shall not serve more than 44 beds.

61-17.1906 Utility Rooms (formerly 61-17.2811)

Section 61-17.1906 was amended to relocate the requirements of utility rooms from former Section 61-17.2811 to new Section 61-17.1906.

61-17.2000 Fire Protection Equipment and Systems (formerly 61-17.2100)

Section 61-17.2000 (formerly 61-17.2100) title was revised to delete “General Construction Requirements” and add “Fire Protection Equipment and Systems.” The remaining sections were renumbered to adjust the codification.

61-17.2001 Fire Alarms and Sprinklers (formerly 61-17.2101)

Section 61-17.2001 (formerly 61-17.2101) was deleted in its entirety. Sections 61-17.2001.A, 61-17.2001.B, 61-17.2001.C and 61-17.2001.D were added to clarify the fire alarm and sprinkler system requirements.

61-17.2002 Emergency Generator Service (formerly 61-17.2602)

Section 61-17.2002 was amended to relocate the requirements of emergency generator service from former Section 61-17.2602 to new Section 61-17.2002.

61-17.2100 Preventive Maintenance (formerly 61-17.1700)

Section 61-17.2100 was amended to relocate the preventive maintenance requirements from former Section 61-17.1700 to Section 61-17.2100.

61-17.2200 Equipment and Systems

Section 61-17.2200 title was revised to delete “Hazardous Elements of Construction” and add “Equipment and Systems.”

61-17.2201 Gases

Section 61-17.2201.A was revised to clarify the requirements of storing gases, both flammable and nonflammable gases. Section 61-17.2201.B was added to clarify the requirements for the designated smoking areas.

61-17.2202 Furnishings/Equipment (formerly 61-17.2301.A.7)

Section 61-17.2202 (formerly 61-17.2301.A.7) was amended to relocate the requirements for furnishings and equipment from former Section 61-17.2301.A.7 to new Section 61-17.2202.

61-17.2300 Fire Protection Equipment and Systems

Section 61-17.2300 Fire Protection Equipment and Systems was deleted in its entirety. Fire Protection Equipment and Systems requirements are covered in the adopted codes by the South Carolina State Fire Marshal. The remaining sections were renumbered to adjust the codification.

61-17.2400 Exits

Section 61-17.2400 Exits was deleted in its entirety. Exits requirements are covered in the adopted codes by the South Carolina Building Code Council. The remaining sections were renumbered to adjust the codification.

61-17.2300 Water Supply/Hygiene (formerly 61-17.2500)

Section 61-17.2300 (formerly 61-17.2500) was renamed to “Water Supply, Hygiene and Temperature Control” to adjust to format and renumbered to adjust the codification. Sections 61-17.2501, 61-17.2502, and 61-17.2504 were deleted in their entirety as the requirements are covered in the adopted codes by the South Carolina Building Code Council. Section 61-17.2303 was deleted and relocated to Section 61-17.2300 (formerly 61-17.2500) to conform to format. Section 61-17.2300.B (formerly 61-17.2503.B) was amended to adjust the codification reference. Section 61-17.2300.C (formerly 61-17.2503.C) was revised to clarify the hot water requirements. Section 61-17.2300.E was deleted. The remaining sections were renumbered to adjust the codification.

61-17.2400 Electrical (formerly 61-17.2600)

Section 61-17.2400 (formerly 61-17.2600) was renumbered to adjust the codification. Section 61-17.2602 was deleted in its entirety as it was relocated to new Section 61-17.2002. The remaining sections were renumbered to adjust the codification.

61-17.2401 General (Electrical) (formerly 61-17.2601)

Sections 61-17.2401.A (formerly 61-17.2601) was revised to clarify the requirements for electrical installations and equipment.

61-17.2402 Panelboards (formerly 61-17.2601.A)

Section 61-17.2402 was relocated from former Section 61-17.2601.A.

61-17.2403 Lighting (formerly 61-17.2601.A)

Section 61-17.2403 was relocated from former Section 61-17.2601.A.

61-17.2404 Receptacles (formerly 61-17.2601.A)

Section 61-17.2404 was relocated from former Section 61-17.2601.A.

61-17.2405 Ground Fault Protection (formerly 61-17.2601.A)

Section 61-17.2405 was relocated from former Section 61-17.2601.A.

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61-17.2406 Exit Signs (formerly 61-17.2601.A)

Section 61-17.2406 was relocated from former Section 61-17.2601.A

61-17.2500 Heating, Ventilation and Air Conditioning (formerly 61-17.2700)

Section 61-17.2500 (formerly 61-17.2700) was renumbered to adjust the codification and the abbreviation of "HVAC" was added. The remaining sections were renumbered to adjust the codification. Section 61-17.2500 (formerly 61-17.2700) was revised to clarify the heating, ventilation and air conditioning requirements.

61-17.2501 General (Heating, Ventilation and Air Conditioning) (formerly 61-17.2701)

Section 61-17.2701 was deleted in its entirety. The remaining sections were renumbered to adjust the codification.

61-17.2501 General (Heating, Ventilation and Air Conditioning) (formerly 61-17.2701)

Section 61-17.2702 was revised to clarify the heating, ventilation and air conditioning requirements and relocated to Section 61-17-2500 to conform to format.

61-17.2600 General Construction Requirements (formerly 61-17.2800)

Section 61-17.2600 (formerly 61-17.2800) was renumbered to adjust the codification and the title was revised to delete "Physical Plant" and add "General Construction Requirements." The remaining sections were renumbered to adjust the codification.

61-17.2601 Common Areas (formerly 61-17.2801)

Section 61-17.2601 (formerly 61-17.2801) was amended in its entirety to clarify the requirements for areas per bed of living, recreational, and dining area combined and accommodations for family privacy after a resident's death.

61-17.2602 Resident Rooms (formerly 61-17.2802)

Section 61-17.2602 (formerly 61-17.2802) was revised to clarify the resident room requirements to include a closet or wardrobe, a bureau consisting of at least three drawers and a compartmentalized bedside table or nightstand.

61-17.2603 Resident Room Floor Area (formerly 61-17.2803)

Sections 61-17.2603.A (formerly 61-17.2803.A) and 61-17.2603.B (formerly 61-17.2803.B) were revised to clarify the resident room floor area for rooms containing one resident and rooms containing two residents.

61-17.2604 Visitor Accommodations (formerly 61-17.2804)

Section 61-17.2604 (formerly 61-17.2804) was revised to amend the title to delete "Isolation Room" and add "Visitor Accommodations." Sections 61-17.2604.A, 61-17.2604.B, 61-17.2604.C, 61-17.2604.D, 61-17.2604.E, and 61-17.2604.F were added to clarify visitor designated /guest rooms requirements.

61-17.2605 Baths and Restrooms (formerly 61-17.2805)

Sections 61-17.2605.A (formerly 61-17.2805.A), 61-17.2605.B (formerly 61-17.2805.B), 61-17.2605.C (formerly 61-17.2805.C), 61-17.2605.D (formerly 61-17.2805.D), 61-17.2605.E (formerly 61-17.2805.E), 61-17.2605.F (formerly 61-17.2805.F), 61-17.2605.G (formerly 61-17.2805.G), and 61-17.2605.H (formerly 61-17.2805.H) were revised to clarify the baths and restrooms requirements, such as grab bars in the shower area and privacy at the toilet fixtures and urinals. Sections 61-17.2805.I, 61-17.2805.J, 61-17.2805.K, 61-17.2805.L, 61-17.2805.M and 61-17.2805.N were deleted. The remaining sections were renumbered to adjust the codification.

61-17.2806 Handwashing Sink

Section 61-17.2806 was deleted in its entirety. The remaining sections were renumbered to adjust the codification.

61-17.2606 Work Stations (formerly 61-17.2807)

Section 61-17.2606 (formerly 61-17.2807) was renumbered to adjust the codification and the title was revised to delete “Staff Work Area” and add “Work Stations.” Sections 61-17.2606.A (formerly 61-17.2807.A), 61-17.2606.B (formerly 61-17.2807.B), and 61-17.2606.C (formerly 61-17.2807.C) were revised to clarify the set up of the work stations to be conducive to the type of care provided by the facility. Sections 61-17.2606.D, 61-17.2606.E, and 61-17.2606.F were added to clarify the location of the work station, the number of residents served, and the location of the utility rooms to the work station.

61-17.2808 Medication Preparation Room

Section 61-17.2808 was deleted in its entirety. The remaining sections were renumbered to adjust the codification.

61-17.2607 Signal System (formerly 61-17.2809)

Sections 61-17.2607.A (formerly 61-17.2809.A) and 61-17.2607.B (formerly 61-17.2809.B) were revised to amend the regulation to current code standards.

61-17.2810 Meal Service Operation

Section 61-17.2810 was deleted in its entirety. The remaining sections were renumbered to adjust the codification.

61-17.2811 Utility Rooms

Section 61-17.2811 was deleted in its entirety. Section 61-17.2811 was relocated to new Section 61-17.1906. The remaining sections were renumbered to adjust the codification.

61-17.2608 Doors (formerly 61-17.2812)

Sections 61-17.2608.A and 61-17.2608.B were deleted in their entirety. The remaining sections were renumbered to adjust the codification. Section 61-17.2608.A (formerly 61-17.2812.C) was revised to clarify that restrooms shall have opaque doors for privacy. Section 61-17.2608.B (formerly 61-17.2812.D) was revised to correct grammar. Section 61-17.2608.C (formerly 61-17.2812.E) was revised to clarify doors that have locks shall have the ability to open with one action. Section 61-17.2608.D (formerly 61-17.2812.F) was revised to clarify if doors are lockable there shall be provisions for emergency entry. Section 61-17.2608.E was added to clarify that any locked room door shall have the ability to open from the inside the room. The remaining sections were renumbered to adjust the codification.

61-17.2609 Elevators (formerly 61-17.2813)

Section 61-17.2609.A (formerly 61-17.2813.A) was deleted in its entirety. The remaining sections were renumbered to adjust the codification.

61-17.2814 Ramps

Section 61-17.2814 was deleted in its entirety. The remaining sections were renumbered to adjust the codification.

61-17.2815 Landings

Section 61-17.2815 was deleted in its entirety. The remaining sections were renumbered to adjust the codification.

61-17.2610 Handrails/Guardrails (formerly 61-17.2816)

Section 61-17.2610 (formerly 61-17.2816) was amended to add the title “Guardrails” with the current title of “Handrails.” Section 61-17.2610.A (formerly 61-17.2816) was revised to clarify the use of handrails. Section 61-17.2610.B was added to clarify the use of guardrails.

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61-17.2817 Screens

Section 61-17.2817 was deleted in its entirety. The remaining sections were renumbered to adjust the codification.

61-17.2818 Window Dressings

Section 61-17.2818 was deleted in its entirety. The remaining sections were renumbered to adjust the codification.

61-17.2611 Janitor's Closet (formerly 61-17.2819)

Section 61-17.2611 (formerly 61-17.2819) was amended to clarify that the janitor's closet must be lockable and each closet is equipped with a mop sink or receptor and space for storage of supplies and equipment.

61-17.2612 Storage Areas (formerly 61-17.2820)

Section 61-17.2612.A (formerly 61-17.2820.A) was revised to clarify storage for patient and staff/volunteer belongings and equipment. Section 61-17.2612.B (formerly 61-17.2820.B) was revised to clarify a separate storage is required for equipment such as beds and wheelchairs. Sections 61-17.2820.C, 61-17.2820.D and 61-17.2820.F were deleted. The remaining sections were renumbered to adjust the codification.

61-17.2613 Telephone Service (formerly 61-17.2821)

Section 61-17.2613.A (formerly 61-17.2821) was amended to add visitors the use of the telephone services. Section 61-17.2613.B was added to clarify the location of each telephone.

61-17.2614 Location (formerly 61-17.2822)

Section 61-17.2614 (formerly 61-17.2822) was amended to delete the language "Facility Design and Site" from the title. Sections 61-17.2614.A (formerly 61-17.2822.A), 61-17.2614.B (formerly 61-17.2822.B), and 61-17.2614.C (formerly 61-17.2822.C) were revised to clarify that the facility shall be served by roads that are passable at all times adequate for the volume of expected traffic, parking and access to firefighting equipment. Sections 61-17.2822.D and 61-17.2822.E were deleted and relocated to new Section 61-17.2615 Outdoor Area. The remaining sections were renumbered to adjust the codification.

61-17.2615 Outdoor Area (formerly 61-17.2822.D and 61-17.2822.E)

Section 61-17.2615 was added to clarify the requirements for the outdoor area. Section 61-17.2615.A (formerly 61-17.2822.E) was added to clarify the requirements of protecting unsafe, unprotected physical hazards and was relocated from Section 61-17.2822.E. Section 61-17.2615.B was added to clarify the fenced area requirements. Section 61-17.2615.C (formerly 61-17.2822.D) was relocated from Section 61-17.2822.D. The remaining sections were renumbered to adjust the codification.

61-17.2700 Severability (formerly 61-17.2900)

Section 61-17.2700 (formerly 61-17.2900) was renumbered to adjust the codification.

61-17.2701 (formerly 61-17.2901) General (Severability)

Section 61-17.2701 (formerly 61-17.2901) was first renumbered to adjust the codification and then deleted to conform to format and relocated in Section 61-17-2700 (formerly 61-17-2900).

61-17.2800 (formerly 61-17.3000) General

Section 61-17.2700 (formerly 61-17.3000) was renumbered to adjust the codification.

61-17.2801 (formerly 61-17.3001) General (General)

Section 61-17.2801 (formerly 61-17.3001) was first renumbered to adjust the codification and then deleted to conform to format and relocated to Section 61-17.2800 (formerly 61-17-3000).

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral and/or written comments on the proposed amendments of R.61-17 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on February 12, 2015. The Board will conduct the public hearing in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board’s agenda published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Gwen Thompson by mail at Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 545-4212; or by e-mail at thompsgw@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on December 29, 2014, the close of the public comment period. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control’s consideration at the public hearing.

Copies of the proposed amendments for public comment as published in the *State Register* on November 28, 2014 may be obtained online in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate>. Click on the Health Facilities Regulations topic and scan down to the proposed amendments of R.61-17. A copy can also be obtained by contacting Gwen Thompson at the above address or by email at thompsgw@dhec.sc.gov.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness and Rationale:

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

DESCRIPTION OF REGULATION:

Purpose: The proposed amendments to R.61-17, Standards for Licensing Nursing Homes, make technical corrections and corrections to typographical errors, establish more specific accident and incident reporting procedures, bring meal service and dietary service requirements into compliance with R.61-25, Retail Food Establishments, and update design, construction, and fire protection/prevention standards in compliance with provisions of the codes officially adopted by the South Carolina Building Codes Council and South Carolina Fire Marshal.

Legal Authority: The legal authority for R.61-17 is S.C. Code Section 44-7-260.

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Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly, and publication in the *State Register*. An electronic copy of R.61-17, which includes these latest amendments, will be published on the Department's Regulation Development website at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations>. At this site, click on the Health Regulations category and scroll down to R.61-17. Subsequently, this regulation will be published on the S.C. Legislature website in the S.C. Code of Regulations. Printed copies will be made available at cost by request through the DHEC Freedom of Information Office. The Department will also send an email to stakeholders and affected facilities and to other interested parties.

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

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

1. The Department proposes to amend R.61-17 to update reporting procedures for accidents or incidents to specify the types of accidents or incidents requiring reports as well as the information needed in a facility's accident or incident report.
2. The Department proposes to amend R.61-17 to update meal service requirements in conformity with R.61-25, Retail Food Establishments.
3. The Department proposes to amend R.61-17 to allow an individual who is certified by the Dietary Managers Association to be considered as a qualified food service supervisor who directs the meal service operations and supervises the meal service staff. This proposed amendment provides facilities with more options to ensure they retain a qualified food service supervisor.
4. The Department proposes to amend R.61-17 to require facility design and construction to comply with provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.
5. The Department proposes to amend R.61-17 to require fire protection at facilities comply with the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.
6. The Department proposes to amend R.61-17 to update the tuberculosis screening requirements for staff and residents based on the provider-wide exceptions.

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

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated cost increases to the State or its political subdivisions in complying with these proposed amendments. Amendments to R.61-17 will benefit the regulated community by updating functional safety, design, construction, building code, and fire protection standards, establishing more specific accident and incident reporting procedures, bringing meal service standards into compliance with R.61-25, and updating the tuberculosis screening methods for staff and residents. The amendments also correct typographical errors and make technical corrections to ensure consistency with existing regulations.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments to R.61-17 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 associated with these amendments. Possible detrimental effect on public health includes failure to realize the anticipated benefits highlighted above.

Statement of Rationale:

The Department proposes amending R.61-17, Standards for Licensing Nursing Homes, as a result of its internal 2013 review for the South Carolina Governor’s Regulatory Review Task Force. In the interest of overall quality improvement, the proposed amendments also make technical corrections and corrections to typographical errors, establish more specific accident and incident reporting procedures, bring meal service and dietary service requirements into compliance with R.61-25, Retail Food Establishments, and update design, construction, and fire protection/prevention standards in compliance with provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina Fire Marshal.

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. 4533
COMMISSION ON HIGHER EDUCATION
 CHAPTER 62
 Statutory Authority: 1976 Code Section 59-114-75

62-250 through 62-263. South Carolina National Guard College Assistance Program

Preamble:

The South Carolina Commission on Higher Education Regulation 62-250 through 62-263 governs requirements for the operation and administration of the South Carolina National Guard College Assistance Program under SC Code of Laws, Section 59-114-10 et seq. The program is administered by the Commission in coordination with the South Carolina National Guard and provides tuition assistance for eligible enlisted guard members enrolled in undergraduate programs. The Commission proposes amendments to the existing regulation in order to incorporate changes enacted by Act 151 of 2014 effective April 7, 2014, to clarify administrative procedures for the program, and to make changes that promote consistency in administration.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on June 27, 2014.

Section-by-Section Discussion

Amendments to this regulation include re-wording and re-ordering of existing text for improved readability in applying the regulation. These and other changes included are outlined as follows:

Section 62-250 is amended to remove abbreviations.

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Section 62-251(A) is amended for consistency with state law to clarify the definition of “Academic Year.”

Section 62-251(B) clarifies the term “college assistance program” to be the National Guard college assistance program.

Section 62-251(G) is amended to clarify the term “degree-seeking student” by omitting reference to completion of degree programs which is addressed elsewhere.

Section 62-252(M) is amended to delete “SC public or independent.”

Section 62-251(O) is amended to align “satisfactory academic progress” to a uniform methodology for determining financial aid (Title IV).

Section 62-251(P) is added to define “Attempted hours” as all enrolled semester or quarter hours with exception to those hours that are dropped or withdrawn.

Section 62-252(A) is amended to re-number and re-order existing provisions and to make the following changes: 1) add “eligible to clarify which institutions and to delete the section reference to the defined term “eligible institution”; 2) omit unnecessary phrases “SC National Guard” prior to college assistance program and “as defined by Title IV regulation “ following cost of attendance as they are included in terms as defined; 3) add new text, Section 62-252(A) (2), to include the 2014 statutory change that the annual maximum grant must be based on the amount of available program funds and to provide clarification that annual maximum grant will be determined at the beginning of each fiscal year based on state appropriations disbursement of funds to students.

Section 62-252(B) is amended to add the term “attempted hours” and remove the terms “semester or equivalent quarter hours” so as to clarify hours of enrollment that will be counted toward the maximum 130 credit hour limit to receive college assistance program benefits.

Section 62-252(B)(1) adds language to clarify that college assistance program benefits will be prorated so that the benefit does not exceed statutory limits and deletes the unnecessary phrase “SC National Guard.”

Section 62-252(B)(2) adds language to allow for students to withdraw, in accordance with institutional policies, without penalty.

Section 62-252(C) is amended to maintain consistency with definitions for eligible program of study and degree seeking student and to include text deleted from 62-252(G) that benefits may not be received upon completion of an eligible program to pursue an eligible program at the same or preceding level. Language that restricts benefits to those who have not received a bachelor’s or graduate degree is moved from this section to the renumbered Section 62-252(D). Language that restricts benefits to undergraduate coursework only is moved from this section to the renumbered 62-252(F).

Section 62-252(E), renumbered, adds language to limit receipt of benefits to one institution per term, and in cases where a student is enrolled in more than one institution per term, the benefit will be sent to the student’s home institution, and omits. The prior Section 62-252(E) is struck and considered in the amended Section 62-254.

Section 62-252(G) is renumbered and re-worded to clarify eligibility and disbursement for eligible students who are enrolled part-time.

Section 62-252(H) and (J) are moved from Section 62-253(F) and (G), respectively, to this section for better placement.

Section 62-252(I) adds language to clarify benefits and eligibility of National Guard members who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973.

Section 62-253 and 62-253(B) are amended to remove unnecessary text for consistency with terminology for college assistance program and National Guard.

Section 62-253(D) is amended to include 2014 statutory changes that a National Guard member becomes qualified for program funding upon completion of Basic Training and Advanced Individual Training. Previously, a National Guard member became eligible for program benefits on the day of enlistment. The last two sentences of 62-253(D) are renumbered as (E) and the prior section (E) becomes (F).

Section(s) 62-253 (H), (I), and (I) (1) are omitted from this section as they are explained elsewhere in regulation.

Section 62-254 is amended to omit Transfer Students from the section title as Continued Eligibility also addresses transfer students.

Section(s) 62-254 (A)(1)(2), (B), (C), and (D) are omitted and replaced with Section(s) (A)(1)(2)(3)(4), (B), (C), and (D) to provide additional clarification to the application and award process for new, continuity and transfer students. The National Guard will determine eligibility of Guard Members, and upon determination of eligibility, Guard Members shall contact the financial aid office at the institution to initiate awarding of benefits. Language is added to require coordination of eligibility verification and payment of benefits between the financial aid offices at the institutions and Commission on Higher Education.

Section 62-256 is amended to clarify in (A) reinstatement of eligibility for college assistance program benefits upon return from military mobilization; to replace in (B) funds with benefits; and to clarify in (C) attempted semester hours are included.

Section 62-258 is amended in multiple places to strike South Carolina National Guard and add text consistent with program name as defined in 62-251(B). Language is added in part (D) (5) of this section to clarify that credit hours are attempted hours, and in part (H) to clarify the responsibility of home institution in determining eligible applicants.

Section 62-259 is amended to provide for renumbering of existing points and to clarify that awards can be made at less than half-time enrollment status. Language is added to clarify responsibility of home institution in awarding and Commission in prescribing related procedures. The prior Section 62-260 is merged into existing Section 62-259.

Section(s) 62-260, 261 and 262 are renumbered from 62-261, 262, and 263 respectively. Language is amended so that references to the program name, the Commission, National Guard and eligible program are consistent with those terms as defined in 62-251.

Section 62-262, renumbered, is also amended to include 2014 statutory changes to acknowledge that appropriations for the program may be carried forward to a subsequent fiscal year and expended for the same purpose and are exempt from mid-year budget reductions and to delete obsolete language.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held at 10:30 a.m. on January 8, 2015 in the offices of the SC Commission on Higher Education, 1122 Lady Street, Suite 300, Columbia, South Carolina. Interested persons may submit written comments to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 300, Columbia, SC 29201 or by email to kwoodfaulk@che.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on December 31, 2014.

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Preliminary Fiscal Impact Statement:

The South Carolina Commission on Higher Education estimates that no costs will be incurred by the state and its political subdivisions as a result of the proposed amendments. Funding for the South Carolina National Guard Student College Assistance Program is dependent upon annual appropriations by the General Assembly.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 62-250. South Carolina National Guard College Assistance Program.

Purpose: 62-250 is being amended to incorporate changes enacted with the passage of Act 151 of 2014 and to make changes to provide administrative clarification.

Legal Authority: SC Code of Laws Section 59- 114-75.

Plan for Implementation: Required statutory changes have been implemented and the full implementation of regulation will effective upon approval by the General Assembly.

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

During the 2014 legislative session, three statutory changes were enacted that provided clarification of administrative provisions. These amendments included: 1) clarification that each academic year's annual maximum grant must be based on the amount of available program funds; 2) a change in qualification such that a SC National Guard Member becomes qualified for program funding upon completion of Basic Training and Advanced Individual Training rather than upon enlistment; and 3) codification of a budget proviso enabling appropriations to the SC National Guard College Assistance Program are to be carried forward to a subsequent fiscal year and expended for the same purpose, and to be exempted from any midyear budget reductions. The amended regulation incorporates these changes and further clarifies procedures for administration of the program.

DETERMINATION OF COSTS AND BENEFITS:

None. The amendments align existing regulation with statutory authority for the program.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The proposed amendments will incorporate statutory changes to align the South Carolina National Guard College Assistance Program regulation with state law and will promote greater consistency with respect to program administration.

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. 4534

COMMISSION ON HIGHER EDUCATION

CHAPTER 62

Statutory Authority: 1976 Code Section 59-111-75

62-200 through 62-240. South Carolina National Guard Student Loan Repayment Program

Preamble:

Repeal R.62-200, South Carolina National Guard Student Loan Repayment Program regulations (Chapter 62). The Commission on Higher Education proposes to repeal in its entirety the regulation for the South Carolina National Guard Student Loan Program (R.62-200 - R.62-240). The General Assembly passed legislation, Act 40 of 2007, to close the South Carolina National Guard Student Loan Repayment Program to new participants beginning with the 2007-08 academic year and replaced the program with a college assistance program for South Carolina National Guard members. As of the 2013-14 academic year, the loan repayment program has been fully closed. As a result, the South Carolina Commission on Higher Education is repealing in its entirety the program regulation which is no longer needed.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on June 27, 2014.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held at 10:30 a.m. on January 8, 2015, in the offices of the SC Commission on Higher Education, 1122 Lady Street, Suite 300, Columbia, South Carolina 29201. Interested persons may submit written comments in writing or by email to Dr. Karen Woodfaulk, Director of Student Services, at South Carolina Commission on Higher Education, 1122 Lady Street, Suite 300, Columbia, South Carolina, 29201 or kwoodfaulk@che.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 31, 2014.

Preliminary Fiscal Impact Statement:

The South Carolina Commission on Higher Education estimates that no costs will be incurred in repealing the regulation. The program has been closed and the repeal of the regulation has no fiscal impact.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: South Carolina National Guard Student Loan Repayment Program.

Purpose: Repeal the program regulation.

Legal Authority: SC Code of Laws Section 59- 111-75.

Plan for Implementation: Pursuant to 59-111-75(B) enacted in 2007, the program has been fully closed as of the 2013-14 academic year, and the regulation is no longer applicable.

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

The South Carolina National Guard Student Loan Repayment Program regulation (R.62-200 through R.62-240) is no longer applicable because the program has been closed pursuant to action of the General Assembly. As a result, the regulation is being repealed in its entirety.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state with the repeal of the regulation.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of the estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There is no effect on the environment or public health.

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

There is no detrimental effect on the environment and public health if the regulation is not implemented.

Statement of Rationale:

The South Carolina National Guard Student Loan Repayment Program was closed to new participants beginning with the 2007-08 academic year with the enactment of Act 40 of 2007 and replaced with a college tuition assistance program for South Carolina National Guard members. The loan repayment program was phased-out and fully closed as of the 2013-14 academic year. As a result, the program regulation is no longer applicable and is being repealed in its entirety.

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. 4535

DEPARTMENT OF LABOR, LICENSING AND REGULATION

CHAPTER 10

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

10-37. Real Estate Commission.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to add the fees from Regulation 105-12 to Regulation 10-37 to correct a scrivener's error. Specifically, the fees from Regulation 105-12 should be added to Regulation 10-37. They were inadvertently omitted when the fees for all boards and commissions were moved into the newly-created Chapter 10 during the 2013-2014 legislative session.

Section-by-Section Discussion

10-37. Real Estate Commission.

- (A)-(D) No changes.
- (E) Add Provider, Course, and Instructor Fees.

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

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 January 9, 2014. Written comments may be directed to Holly Pisarik, Director, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 29, 2014. 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:

This regulation is amended to comport with establishment of fees in Chapter 10 of the Regulations.

DESCRIPTION OF REGULATION:

Purpose: The board is repealing fees now established in Chapter 10.

Legal Authority: 1976 Code Sections 40-1-50 and 40-1-70.

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

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

The proposed regulations will comport with establishment of fees in Chapter 10 of the Regulations.

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.

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Statement of Rationale:

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

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. 4536
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE ATHLETIC COMMISSION
CHAPTER 20
Statutory Authority: 1976 Code Sections 40-1-70 and 40-81-70

Preamble:

To satisfy the requirements of licensure for professional boxing, wrestling, kick boxing, and off the street boxing, Regulations 20-1.1 through 20-4.9, Regulations 20-4.12 through 20-22.8, Regulation 20-22.10, Regulations 20-22.13 through 20-23.8, Regulations 20-23.12 through 20-25.1, and Regulations 20-27.01 through 20-27.22 are amended and Regulations 20-27.24 through 20-27.82 are added in conformance with the State Athletic Commission Practice Act.

Section-by-Section Discussion:

20-1.1. Definitions.

Adds numerals to clarify existing definitions.

- (1) No changes; administrator.
- (2) Revises and rewords for clarity; admissions.
- (3) New definition; announcer.
- (4) New definition; bout.
- (5) New definition; boxer.
- (6) New definition; boxing.
- (7) New definition; chief ring official.
- (8) No changes; Commission.
- (9) New definition; Commission designee.
- (10) No changes; Commission representative.
- (11) Adds "or participates in an exhibition"; contestant.
- (12) New definition; Department.
- (13) New definition; Director.
- (14) New definition; emergency medical technician.
- (15) Rewords and revises for clarity; event.
- (16) New definition; exhibition.
- (17) Revises for clarity and adds "exhibitions" as regulated by the Commission; license.
- (18) Renumbers subsections and revises for clarity; manager.
- (19) Revises for clarity by adding specific events; matchmaker.
- (20) New definition; off the street boxing.
- (21) New definition; official.
- (22) Revises for clarity and adds security and medical personnel as participants in connection with a Commission regulated event; participant.
- (23) New definition; passport, which means boxer's official fight record.

- (24) Revises for clarity; permit.
- (25) Corrects typographical error; person.
- (26) Corrects typographical error; physician.
- (27) Rewords and revises for clarity; promoter.
- (28) New definition; promoter's representative.
- (29) Revises for clarity and deletes last sentence; purse.
- (30) New definition; ringside physician.
- (31) New definition; second.
- (32) New definition; technical knockout.
- (33) New definition; trainer.
- (34) New definition; weapon.

20-1.2. Classes of Boxers.

- 1. a. Adds new class of Mini Flyweight.
 - b. Adds new class of Light Flyweight.
 - c. Renumbers a.; changes class of Flyweight to specify weight requirement of over 108 to 112 pounds.
 - d. Adds new class of Super Flyweight.
 - e. Renumbers b.; changes range in class of Bantam Weight to over 115 to 118 pounds.
 - f. Adds new class of Super Bantam Weight.
 - g. Renumbers c.; changes range in class of Featherweight to over 122 to 126 pounds.
 - h. Adds new class of Super Featherweight.
 - i. Renumbers d.; changes range in class of Lightweight to over 130 to 135 pounds.
 - j. Adds new class of Super Lightweight.
 - k. Renumbers e.; changes range in class of Welterweight to over 140 to 147 pounds.
 - l. Adds new class of Super Welterweight.
 - m. Renumbers f.; changes range in class of Middleweight to over 154 to 160 pounds.
 - n. Adds new class of Super Middleweight.
 - o. Renumbers g.; changes range in class of Light Heavyweight to over 168 to 175 pounds.
 - p. Adds new class of Cruiserweight.
 - q. Renumbers h.; changes range in class of Heavyweight to over 200 pounds.
- Adds sentence that women's weight classes are the same as male's weight classes.

20-1.3. Weigh-In Procedures.

Changes subsection title from "Weight Difference of Contestants" to "Weigh-In Procedures"; deletes text and replaces with text detailing the procedures for weigh-ins within 24 hours and weigh-ins within 12 hours of the scheduled event.

20-1.4. Weighing of Boxers.

- 1. No changes.
- 2. Revises for clarity.
- 3. No changes.
- 4. No changes.
- 5. Deletes sentence regarding stripping of weights; adds sentence with clothing requirements for male and female boxers during weigh-in.
- 6. No changes.

20-2.1. Ring Dimensions; Floor Coverings.

Revises for clarity.

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20-2.2. Height of Ring.

Revises for clarity.

20-2.3. Ring Posts.

1. Revises for clarity.
2. No changes.

20-2.4. Ring Ropes.

Revises for clarity.

20-2.5. Gong or Bell.

1. No changes.
2. Revises for clarity.

20-2.6. Timekeeper's Chair.

Revises for clarity.

20-2.7. Stopwatch.

Revises for clarity.

20-2.8. Gloves; Additional Articles.

Revises for clarity.

20-2.9. Scales.

Revises for clarity.

20-2.10. Ring to Be Clear of Obstructions.

Revises for clarity.

20-2.11. Tape and Bandages.

Revises for clarity.

20-2.12. Adhesive Tape for Protection of Hands.

Revises for clarity.

20-2.13. Adjustment of Bandages and Tape.

Revises for clarity.

20-2.14. Round Cards.

Revises for clarity.

20-2.15. Steps to Boxing Ring.

Revises for clarity; adds that all steps leading to the boxing ring must be operational and clear of obstructions.

20-2.16. Mouth Pieces.

Revises for clarity; adds that boxers are not allowed to share mouthpieces.

20-3.1. Ring Floor Material.

Revises for clarity.

20-3.2. Ring Padding.

Revises for clarity.

20-3.3. Ring Aprons.

Revises for clarity.

20-3.4. Ropes, Tops of Ring Posts.

No changes.

20-3.5. Emergency Equipment and Medical Personnel.

Adds “and Medical Personnel” to subsection title; adds requirement that physician must be present two hours prior to the event and that one EMT and ambulance must also be onsite; adds provision for seating for medical personnel.

20-3.6. Participation of Suspended Boxer.

Deletes repealed statutory reference.

20-3.7. Compulsory and Discretionary Eight Count; Three Knockdowns in One Round.

Revises for clarity.

20-3.8. Use of Drugs and Stimulants.

Adds “Drugs and” in subsection title; adds prohibited list maintained by the World Anti-Doping Agency; revises for clarity.

20-3.9. Other Substances.

Deletes “Drugs and” in subsection title; revises for clarity.

20-3.10. Vision.

Deletes “Head Injury” in subsection title and moves text to the subsequent subsection.

20-3.11. Head Injury.

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New subsection with text from current 20-3.10.

20-3.12. Abdominal Guard.

Renumbers 20-3.11; revises for clarity; deletes current 20-3.12 Mouth Pieces in its entirety.

20-3.13. Submission of Boxer's Record.

Revises for clarity.

20-3.14. Refreshment Containers.

Deletes "Intoxicating Liquors" from subsection title; revises for clarity.

20-3.15. Examinations.

Revises for clarity.

20-3.16. Maintaining Order.

Revises for clarity.

20-3.17. Boxer's Record; Suspension.

1. Revises for clarity; adds "licensure denial or" before "suspension".
2. No changes.
3. No changes.

20-3.18. Determination of Physical Circumstances.

Revises for clarity.

20-3.19. Physician's Recommendations.

Adds "due to medically related concerns".

20-3.20. Examination and Suspension after Knockout.

Deletes previous text and replaces with specific suspensions for knockouts and technical knockouts, and requirements for neurological examinations for contestants.

20-4.1. General Requirement.

Deletes "or sparring exhibitions".

20-4.2. Application.

1. Revises for clarity; requires that application photograph show the frontal view of applicant's head.
2. Revises for clarity; adds boxing federal identification (ID) as proof of validity.
3. No changes.

20-4.3. Period of Validity.

Deletes previous text and replaces with annual licensure and renewal for boxers.

20-4.4. Documents.

No changes.

20-4.5. Suspensions.

Changes “boxer” to “contestant” and adds that a promoter or matchmaker may arrange a bout which includes a suspended contestant if the contestant’s suspension ends before the bout’s scheduled date.

20-4.6. Sale or Transfer of License.

No changes.

20-4.7. Promoter Responsibility.

Deletes “or exhibitions”.

20-4.8. Permit Application and Fee.

1. Deletes “or exhibitions”; revises and rewords for clarity.

2. a. Deletes address on application.

b. Deletes outdated reference.

c. Adds that the surety bond must be in an amount not less than five-thousand dollars or certified funds acceptable to the Commission Representative and sufficient to cover the total purse or fee for each scheduled contestant and official; deletes outdated reference.

d. Deletes fee amount for permit fee.

3. Revises for clarity; deletes “or exhibition”.

4. Changes 2% to 5% of the total gross admissions as the amount promoters must pay to the Commission per event and adds that another option for promoters is to pay a \$25.00 minimum gate fee to the Commission within 30 days after the event. Adds fines for promoters who fail to pay the required gate fee to the Commission within 30 days, beginning with \$250.00 and up to \$1000.00, with event permits not being issued to promoters with outstanding unpaid gate fees.

5. Changes the requirement that promoters must pay to the Commission “an amount equal to the out of pocket cost of contestant investigations made by the Commission” to “a sanctioning fee as determined by the Commission to cover the cost of inspections in the enforcement of compliance with this chapter and South Carolina Code of Laws Title 40 Chapter 81”.

20-4.9. Passport (Boxers Fight Record).

Adds (Boxers Fight Record) for clarity.

20-4.12. Refunds for License and Permit Fees.

No changes.

20-5.1. Physical Examination.

Revises for clarity.

20-5.2. Age.

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Revises to increase the age maximum from 35 to 40; adds that maximum age may be waived by the Commission designee for a specific contestant; adds a sentence that a professional boxer petitioning for an age waiver must submit a complete application with all medical records, official fight records and other any Commission required documentation to the Administrator at least 30 days prior to the scheduled bout; adds sentence that a waiver to participate as an over-age contestant shall be valid for the duration of the current license period.

20-5.3. Boxer as Self-Manager.

Revises for clarity.

20-5.4. First Appearance; Proof of Age.

1. Revises for clarity.
2. No changes.

20-5.5. Boxer-Manager Contract Forms.

Revises for clarity; adds that boxers' managers must be licensed with the Commission and that forms may be furnished to Commission upon its request.

20-5.6. Release from Contract.

Revises for clarity; adds that the contract release may be furnished to Commission upon its request.

20-5.7. Parties to Contract to be Licensed.

No changes.

20-5.8. Club Contract.

Deletes current 20-5.8 (Minors) in its entirety; adds that the copy of the club contract must be furnished to the Commission upon request.

20-5.9. Payment to Boxer as Exclusive Signer of Club Contract.

Renumbers current 20-5.10; revises for clarity.

20-5.10. Failure to Appear for Weigh-In.

Renumbers current 20-5.11; revises for clarity.

20-5.11. Failure to Appear for Bout.

Renumbers current 20-5.12; revises for clarity.

20-5.12. Failure to Give Satisfactory Performance.

Renumbers current 20-5.14; combines subsections 1. and 2.; adds that Chief Ring Official as well as the Commission Representative may determine the boxer's performance and instead of the boxer's purse being forwarded to the Commission, the boxer may be suspended upon failure to give a satisfactory performance or demonstrating insufficient skills to safely compete; adds a sentence that a suspended boxer may petition to the Commission for reinstatement.

20-5.13. Boxer with Suspended Manager.

Deletes current 20-5.13 (Rest Period; Reinstatement After Knockout) in its entirety; renumbers current 20-5.16.

20-5.14. Number of Rounds.

Deletes current 20-5.15 (Forfeit Fees) in its entirety; renumbers current 20-5.17; revises for clarity.

20-5.15. Foul.

Renumbers current 20-5.18; adds new infraction of intentionally spitting at an opponent or spectators as subject to penalty.

20-5.16. Time Between Bouts.

Renumbers current 20-5.19; revises for clarity; adds sentence that there shall be a mandatory interval of 30 days between bouts after a boxer's participation in any bout lasting 10 or more rounds.

20-5.17. Inability to Perform Contract Due to Injuries or Illness.

Renumbers current 20-5.20; revises and rewords for clarity; adds that fighters with a specific injury or illness shall serve a medical suspension and receive clearance for the specific injury or illness prior to the suspension being lifted; deletes sentence regarding that the examination fee of the physician to be paid by the boxer.

20-5.18. Facial Hair and Jewelry.

Renumbers current 20-5.21; adds "and Jewelry" to subsection title; adds that jewelry and piercings are prohibited during competition.

20-5.19. Boxers from the Same Stable.

Renumbers current 20-5.22; revises for clarity.

20-5.20. Disqualification of Boxer.

Renumbers current 20-5.23.

20-5.21. Contest Stopped Prematurely.

Renumbers current 20-5.24; revises for clarity.

20-5.22. Resident License.

Renumbers current 20-5.25; revises for clarity.

20-5.23. Examination Prior to Licensing and Boxing.

Renumbers current 20-5.26 and changes title of "Examination Prior to Licensing and Boxing"; revises for clarity; changes examination by physician requirement from one week prior to the bout to immediately prior to taking part in any bout.

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20-5.24. Grounds for Suspension of License.

Renumbers current 20-5.27; revises for clarity.

20-6.1. General Qualifications.

Deletes “[Reserved]” and replaces with text requiring managers to apply for licensure and to be of legal age to sign the required contract.

20-6.2. Working in Boxer's Corner.

Revises for clarity.

20-6.3. Signatory to Boxer-Manager Contract.

Revises for clarity; adds that the manager’s license is renewed annually and not later than one month of the expiration date.

20-6.4. Manager's Percentage of Ring Earnings.

Revises for clarity.

20-6.5. Failure to Sign Club Contract.

No changes.

20-6.6. Manager Under Suspension.

Revises for clarity.

20-6.7. Number of Boxers in One Show; Limitation on Manager.

Revises for clarity.

20-6.8. Signatories to Club Contract.

Revises for clarity.

20-6.9. Acceptance by Manager.

Revises for clarity.

20-6.10. License for Promoter Deals.

Revises for clarity.

20-6.11. License to Schedule Match.

Revises and rewords for clarity; an unlicensed person shall not contract to receive a portion of a contestant’s bout earnings until issued a manager’s license.

20-6.12. Manager Representing Manager.

Revises for clarity.

20-6.13. Number of Managers Per Boxer.

Revises for clarity.

20-6.14. Manager Attempting to Take Another Manager's Boxer.

Revises for clarity.

20-6.15. Transfer of Manager-Boxer Contract.

Revises for clarity.

20-6.16. Aid for Injured Boxer.

No changes.

20-6.17. Grounds for Suspension of License.

Revises for clarity.

20-6.18. Application for Boxing Manager's License.

Deletes current 20-6.18 (Giving Incorrect Information on Application) in its entirety, combining it with current 20-6.19; renumbers 20-6-19; revises for clarity.

20-7.1. General Qualifications.

No changes.

20-7.2. Number Limitation.

Revises for clarity; changes last sentence to add that 2 seconds may be in the ring at the same time.

20-7.3. Attire.

No changes.

20-7.4. Second Under Suspension.

No changes.

20-7.5. Second Acting as Manager.

Revises for clarity.

20-7.6. Coaching and/or Assisting During Round Prohibited.

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Changes title of “Coaching and/or Assisting During Round Prohibited”; revises for clarity; rewords that seconds, trainers and managers also must not attempt to heckle, hinder, disrupt or otherwise annoy the contestant’s opponent, officials, Commission Representatives, or other seconds during an event; deletes last sentence regarding seconds remaining seated and silent.

20-7.7. Grounds for Suspension of License.

Revises for clarity.

20-7.8. Giving Incorrect Information on Application.

No changes.

20-7.9. Aid to Injured or Disabled Boxer.

Adds sentence to provide for medical person or “cut person” to enter the ring to examine a boxer who has an open cut.

20-7.10. Termination of Boxer's Performance.

Revises for clarity.

20-8.0. Requirements for License as Referee or Judge: Expiration and Renewal of License.

1. a. Revises for clarity.
- b. Revises for clarity.
- c. Revises for clarity.
- d. Deletes examination score and requires that licensee be certified and in good standing with the Association of Boxing Commission (ABC).
2. Revises for clarity.
3. Revises for clarity.
4. No changes.
5. Revises for clarity.

20-8.1. Selection and Assignment.

Gives authority to the Commission Representative for selection and assignment of boxing referees and judges by deleting reference to the Director of LLR; revises for clarity; adds sentence that judges and referees shall be compensated by the promoter as an official in accordance with an official’s fee schedule as set by the Commission; adds provision for travel and lodging to be the responsibility of the promoter and the referee or judge.

20-8.2. Chief Ring Official.

No changes.

20-8.3. Reporting for Duty; Number Per Show; Restrictions.

1. Revises for clarity.
2. Revises for clarity.
3. New subsection; adds that at least three (3) judges and one (1) alternate will be assigned for each show.
4. Renumbers 3.; no changes.

5. New subsection; adds that a referee shall not judge or score any bout in which a participant is from that referee's or judge's camp or school, or is a student of that said referee or judge.

20-8.4. Physical Examination.

Revises for clarity.

20-8.5. Apparel.

Revises for clarity.

20-8.6. Chief Second's Responsibility.

Revises for clarity.

20-8.7. Mid-Ring Instructions.

Revises for clarity.

20-8.8. Persons in Ring During Round.

No changes.

20-8.9. Knockdown of Participant; Count.

Revises for clarity.

20-8.10. Knockout of Participant; Count.

1. Revises for clarity.
2. No changes.

20-8.11. End of Round Knockout.

Revises for clarity.

20-8.12. Touching Boxers; "Break".

Adds another exemption for the referee to touch a boxer, which is when a boxer is tangled in the ropes.

20-8.13. Stopping a Bout.

Revises for clarity.

20-8.14. Failure to Answer Bell.

Revises for clarity.

20-8.15. Inspection of Gloves.

No changes.

20-8.16. Knocked Down Construed.

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Revises for clarity.

20-8.17. Failure to Compete or Foul.

1.-3. Revises for clarity.

4. Changes to state that the Commission Representative may order a suspension of the offender's license and initiate a complaint for investigation and potential further disciplinary action by the Commission.

20-8.18. Ten Point Must Scoring System.

Revises for clarity.

20-8.19. Boxer Fallen or Knocked Through Ropes; Return Unassisted.

Revises for clarity.

20-8.20. No Foul Rule.

No changes.

20-8.21. Verbal or Physical Abuse of Referee.

Renumbers 20-8.22 since 20-8.21 was repealed in 1988; revises for clarity.

20-8.22. Low Blow; Referee's Notice.

Renumbers 20-8.23; revises for clarity.

20-8.23. Knocked Out Boxer; Treatment by Physician.

Renumbers 20-8.24; no textual changes.

20-8.24. Persistent Fouling.

Renumbers 20-8.25; deletes subsection 2. and revises the sole paragraph to add that persistent fouling shall result not only in disqualification of the offender but also in suspension and potential further disciplinary action of the Commission.

20-8.25. Change of Decision by Commission.

Renumbers 20-8.26; changes title of "Change of Decision by Commission"; changes the Commission's discretion to overrule or change a referee's decision to the discretion to declare a bout a "no contest" if an error affecting the outcome of the bout has been committed.

20-8.26. Judges; Majority Vote.

Renumbers 20-8.27; gives authority to the Commission Representative for designating 3 judges by deleting reference to the Director of LLR; adds that those 3 judges shall render decisions by a majority vote and their decision shall be final; revises for clarity.

20-8.27. Substitution of Referee or Judge.

Renumbers 20-8.28.

1. Revises for clarity.
2. No changes.
3. Revises for clarity.

20-9.1. General Supervisory Duties.

1. Revises for clarity.
 - a.-b. No changes.
 - c. Changes boxers to contestants.
 - d. Deletes text and adds duty of collecting all gate fees and verifying them on a Gate Fee Verification Form approved by the Commission.
 - e. Revises for clarity; changes 72 hours to 10 days for forwarding reports to the Commission.
 - f. New subsection; adds that the collected fees will be deposited within forty eight (48) hours of receipt, excluding Saturday, Sunday, and bank holidays, into an account established for the Athletic Commission and that the Administrator will deposit the collected fees.

20-9.2. Verbal or Physical Abuse of Commissioner or Commission Representative.

New subsection from last paragraph of current 20-9.1; updates outdated statutory references; revises for clarity.

20-9.3. Attendance at Weigh-In.

Renumbers 20-9.2; revises for clarity.

20-9.4. Receipt Book.

Renumbers 20-9.3; revises for clarity; deletes last sentence.

20-9.5. Forwarding of Scorecards.

Renumbers 20-9.4; Revises for clarity.

20-9.6. Check of Substitute Boxers.

Repeals current 20-9.6 (Special Reports on Performances); renumbers 20-9.5; revises for clarity; adds requirement for promoters to submit contestants' information (names, addresses, and date of birth) to the Commission Representative by 72 hours prior to the start of the event to the Commission Representative; adds that the Commission Representative must forward any event substitution to the Commission Designee for approval and that additional administrative cost incurred due to said substitutions will be paid by the promoter.

20-9.7. Check of Seconds' Compliance with Rules.

Revises for clarity.

20-9.8. Assure Enforcement of Regulations.

Revises for clarity.

20-9.9. Report of Injuries.

Revises for clarity.

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20-9.10. Forwarding of Receipts.

Revises for clarity.

20-10.1. Designation; Approval; License.

Revises for clarity.

20-10.2. Authorization to Announce.

Revises for clarity.

20-10.3. Announcement of Contestants' Names and Weights.

Revises for clarity.

20-10.4. Announcement of Contest Results.

Revises for clarity.

20-10.5. Neutrality.

1. No changes.
2. Revises for clarity.
3. New subsection; adds that announcers shall not use foul, abusive, or derogatory language toward a contestant or any person attending the event.

20-10.6. Introducing Suspended Person.

1. No changes.
2. Deletes in its entirety.

20-11.1. Approval and License.

No changes.

20-11.2. Stop-Watch.

Revises for clarity by adding that the accurate stop-watch must be approved by the Commission Representative.

20-11.3. Time of Round; Rest Period.

Revises for clarity.

20-11.4. Warning Signal.

Revises for clarity.

20-11.5. Termination Before Scheduled Limit.

No changes.

20-11.6. Location Near Bell.

No changes.

20-11.7. Signals During Rounds.

Revises for clarity.

20-11.8. Termination Between Rounds.

Revises for clarity.

20-11.9. Count for Knockdowns.

Revises for clarity.

20-12.1. Approval and Assignment.

Revises for clarity; adds that Commission must have an approved list of physicians and that the Commission may approve physicians not on the list on a case-by-case basis.

20-12.2. Examination of Boxers.

Revises for clarity; adds that physicians must perform thorough pre- and post-fight physicals on the contestants on the day of the event.

20-12.3. Position at Ringside.

Revises for clarity.

20-12.4. Completion of Injury Form and Report.

Revises for clarity; adds “and Report” to subsection title.

20-12.5. Unfit Participant.

Repeals current 20-12.5 (Report to the Commission) as text covered in 20-12.4; renumbers 20-12.6; revises for clarity; adds that a boxer who appears to be under the influence of an unauthorized substance at the weigh-in or pre-fight physical must be ruled off the card by the physician.

20-13.1. Commission Fee.

No changes.

20-13.2. Forms.

No changes.

20-13.3. Copy of Agreement Furnished to Commission.

No changes.

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20-13.4. Time for Payment.

No changes.

20-13.5. Closed Circuit Television.

- 1.-2. No changes.
3. Deletes in its entirety.

20-14.1. Proof of Insurance.

Revises for clarity; deletes Off the Street Boxing as covered by Subchapter 26.

20-14.2. Coverage.

1. No changes.
2. Deletes text regarding accidental death and replaces with provision for each promoter to have medical, hospitalization, surgical and life insurance in the amount of \$10,000.00 in case of injury and/or death.

20-14.3. Cost of Insurance.

Repeals in its entirety.

20-17.1. General Responsibility.

Revises for clarity.

20-17.2. Intermissions.

Adds that all events are limited to one (1) half-time intermission and one (1) additional intermission with prior approval of the Commission Representative, not to include medical emergency intermissions; revises for clarity.

20-17.3. Persons Under Suspension.

Renumbers 20-17.4 since 20-17.3 was repealed in 1988; deletes "Dealings with" from and adds "Unlicensed or" to subsection title; revises for clarity.

20-17.4. Grounds for Suspension of License.

Renumbers 20-17.5; revises for clarity.

20-17.5. Maintenance of Order; Responsibility.

Renumbers 20-17.6.

1. Revises for clarity.
2. Adds that at least one Commissioned police officer must be present for the event and to maintain security.

20-17.6. Minimum/Maximum Schedule of Rounds per Program.

Renumbers 20-17.7; revises for clarity; changes 25 to 21 for minimum rounds of boxing on one program.

20-17.7. Time of Main Event.

Renumbers 20-17.8.

1. Revises for clarity.
2. Adds 10 P.M. requirement for semifinal or other advertised bouts to be held.

20-17.8. Filing of Boxing Contracts; Secret Agreements.

Renumbers 20-17.9; revises for clarity.

20-17.9. Nonprofit and Charitable Events.

Renumbers 20-17.10; revises for clarity; deletes end of sentence regarding waiver and reference.

20-17.10. Posting of Surety Bond or Certified Check.

Renumbers 20-17.11; adds that surety bond or certified check must be a minimum of \$5000.00 or certified funds sufficient to cover the total purse or fee for each scheduled contestant and official.

20-17.11. Promoter Participating as a Contestant.

Renumbers 20-17.12; no textual changes.

20-18.1. Observance of Rules.

Revises for clarity.

20-18.2. Uneven Matches.

Revises for clarity.

20-18.3. Dealings with Persons Unlicensed or Under Suspension.

Repeals current 20-18.3 (Dealings with Unlicensed Manager); renumbers current 20-18.5; revises for clarity.

20-18.4. Grounds for Suspension of License.

Repeals current 20-18.4 (Dealings with Unlicensed Persons); renumbers current 20-18.6; revises and rewords for clarity by changing matchmaker to any event participant holding a license may be suspended if arrested or convicted for a charge involving moral turpitude or for unbecoming conduct at any time or place reflecting discredit to boxing; adds sentence adds that application for a license or renewal may be denied under similar circumstances.

20-18.5. Submission of Names and Addresses of Contestants.

Renumbers current 20-18.7; revises for clarity; changes 10 days to 72 hours for submission of contestant information to the Commission Representative prior to the event.

20-18.6. Matchmaker Participating as a Contestant.

Renumbers current 20-18.9; no changes.

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20-18.8. Matches for One Club Only.

Deletes in its entirety.

20-19.1. Fee.

Revises for clarity; deletes "sparring".

20-20.1. Female Boxers.

1. No changes.

2. Changes four rounds of two minutes duration to scheduled for no more than ten rounds of up to three minutes' duration with any lesser number of rounds or shorter duration at the discretion of the Commission.

3. Renumbers 5.; deletes current 3.; changes protector to protection.

4. Renumbers 6.; deletes current 4.; no textual changes.

5. Renumbers 7.; revises for clarity.

6. New subsection to replace current 8.; adds that female fighters must submit a Commission administered pregnancy test reviewed by the ringside physician on the day of the scheduled fight for a mandatory negative result.

7. Renumbers 9.; no textual changes.

8. Renumbers 10.; deletes current 8.; changes minimum use of cosmetics to no use of cosmetics and adds that no gels or lotions may be used even though Vaseline may be applied to the face at ringside.

11. Deletes in its entirety.

20-21.1. Investigations and Hearings Held by Commission.

Revises for clarity.

20-21.2. Disciplinary Action.

No changes.

20-22.1. Designation as Commission Representative.

Repeals subsection and preceding Subchapter 22 (County Athletic Commissions) designation in their entirety.

20-22.1. Conduct of Kick Boxing (Full Contact Karate) Events.

Renumbers current Subchapter 23 designation as Subchapter 22, and current subsection 20-23.1 as 20-22.1; revises for clarity.

20-22.2. Licenses and Permits--General Requirements.

Renumbers current 20-23.2 as 20-22.2; revises for clarity.

20-22.3. Application.

Renumbers current 20-23.3 as 20-22.3; revises for clarity.

20-22.4. Period of Validity.

Renumbers current 20-23.4 as 20-22.4; no textual changes.

20-22.5. Documents.

Renumbers current 20-23.5 as 20-22.5; no textual changes.

20-22.6. Suspensions.

Renumbers current 20-23.6 as 20-22.6; revises for clarity.

20-22.7. Sale or Transfer of License.

Renumbers current 20-23.7 as 20-22.7; no textual changes.

20-22.8. Promoter Responsibility.

Renumbers current 20-23.8 as 20-22.8.

1. Revises for clarity.
2. No changes.

20-22.10. Passport.

Renumbers current 20-23.10 as 20-22.10; no textual changes.

20-22.13. Refunds for License and Permit Fees.

Renumbers current 20-23.13 as 20-22.13; no textual changes.

20-22.14. Amateur Kick Boxing (Full Contact Karate).

Renumbers current 20-23.14 as 20-22.14; deletes reference and adds that the Commission does not regulate amateur kick boxing.

20-22.15. Amateur Kick Boxing in Conjunction with Professional Contests.

Renumbers current 20-23.15 as 20-22.15; revises for clarity.

20-22.16. Non-Profit and Charitable Events.

Renumbers current 20-23.16 as 20-22.16; corrects reference.

20-23.1. Professional Wrestling Exhibitions and Entertainment.

Renumbers current Subchapter 24 designation as Subchapter 23, and current 20-24.1 as 20-23.1; no textual changes.

20-23.2. Licenses and Permits--General Requirements.

Renumbers current 20-24.2 as 20-23.2; deletes "or sparring exhibitions".

20-23.3. Application.

Renumbers current 20-24.3 as 20-23.3.

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1. Changes photograph to picture ID and adds that a frontal view to applicant's head and shoulders must be shown on the picture ID.
2. Deletes application requirement for wrestlers to include a statement of experience.
3. Revises for clarity.

20-23.4. Period of Validity.

Renumbers current 20-24.4 as 20-23.4; no textual changes.

20-23.5. Documents.

Renumbers current 20-24.5 as 20-23.5; no textual changes.

20-23.6. Suspensions.

Renumbers current 20-24.6 as 20-23.6; no textual changes.

20-23.7. Sale or Transfer of License.

Renumbers current 20-24.7 as 20-23.7; no textual changes.

20-23.8. Promoter Responsibility.

Renumbers current 20-24.8 as 20-23.8; revises for clarity.

20-23.9. Permit Applications and Fees.

Renumbers current 20-24.9 as 20-23.9.

1. No changes.
2. a. Rewords for consistency.
 - b. Changes two percent to five percent for the higher amount of total admissions to the event that the promoters must pay the Commission and adds a minimum amount (\$25.00) and a time limit (30 days after the event) for this payment to be received. Adds that failure to pay such fee will result in a \$250.00 administrative fine and additional fines every 30 days up to \$1000.00 and that promoters will be subject to disciplinary action for any attempt to circumvent payment of the gate fee.
- c. Deletes 2. in its entirety and renumbers 3. as 2.

20-23.12. Refunds for License and Permit Fees.

Renumbers current 20-24.12 as 20-23.12; no textual changes.

20-23.13. Additional Rules and Regulations.

Renumbers current 20-24.13 as 20-23.13.

1. Deletes in its entirety.
2. Renumbers as 1.; revises for clarity.
3. Renumbers as 2.; revises for clarity; deletes the first sentence.
4. Renumbers as 3.; no changes.
5. Renumbers as 4.; no changes.
6. Renumbers as 5.; revises for clarity.
7. Renumbers as 6.; no changes.
8. Renumbers as 7.; revises to add that wrestlers must also not have any hostile physical or sexual contact with the spectators.

- 9. Renumbers as 8.; no changes.
- 10. Renumbers as 9.; no changes.
- 11. Deletes in its entirety; adds new sentence stating that wrestlers may not use profanity or foul language during a match.
- 12. Renumbers as 10.; deletes second and third sentences.
- 13. Revises for clarity.

20-23.14. Amateur Wrestling.

Renumbers current 20-24.14 as 20-23.14; deletes reference and adds that the Commission does not regulate amateur wrestling.

20-23.15. Amateur Wrestling in Connection with Professional Events.

Renumbers current 20-24.15 as 20-23.15; no changes.

20-23.16. Nonprofit and Charitable Events.

Renumbers current 20-24.16 as 20-23.16; no changes.

20-24.1. Waiver of Rules.

Renumbers preceding subchapter designation from Subchapter 25 to Subchapter 24, and current 20-25.1 as 20-24.1; revises for clarity; deletes repealed statute reference.

20-24.2. Denial of License or Permit.

Renumbers current 20-25.2 as 20-24.2; revises for clarity.

20-24.3. Athletic Contests with Animals.

Renumbers current 20-25.3 as 20-24.3; revises for clarity; adds reference to the Animal Fighting and Baiting Act.

20-24.4. When No Regulations Exist.

Renumbers current 20-25.5 as 20-24.4 since 20-25.4 was repealed in 1996; revises for clarity.

20-24.5. Verbal or Physical Abuse of Commission Representatives or Officials is Forbidden.

Renumbers current 20-25.6 as 20-24.5; deletes outdated and repealed references from subsection title and text.

20-24.6. Blood Borne Pathogens Exposure Control Plan.

Renumbers current 20-25.7 as 20-24.6; no changes.

20-24.10. License Fees.

Repeals in its entirety.

20-24.11. Lost License; Duplicate.

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Repeals in its entirety.

20-25.1. Off the Street Boxing.

Renumbers current 20-26.1 as 20-25.1; deletes examples of competition names in parentheses from subsection title.

1. Revises for clarity.
2. Revises for clarity.
3. New subsection, which requires boxers to wear fitted mouthpieces.
4. Renumbers 3.; revises for clarity.
5. Renumbers 4.; revises for clarity.
6. Renumbers 5.; revises for clarity.
7. Renumbers 6.; deletes current 7. in its entirety.
8. New subsection; adds that promoters may submit contestants' names upon receipt and that those contestants are to apply for licenses upon registration for the event.
9. Renumbers 8.; adds weight classes (Class I, II, III, IV) in subsections.
10. Renumbers 9.; revises for clarity.
11. Renumbers 10.
12. Renumbers 11.; revises for clarity; deletes current 12., which is covered in new 13.
13. New subsection, which requires \$10,000.00 of medical, hospitalization, surgical and life insurance in case of contestant injury and/or death.
14. Renumbers 13.; revises for clarity.

20-27.01. Definitions.

(A)-(D) No changes.

(E) Adds new definition for exhibitions, which are not allowed in mixed martial arts events sanctioned by the Commission.

(F)-(X) Renumbers (E)-(W); no changes.

(Y) Renumbers (X); revises for clarity.

(Z)-(CC) Renumbers (Y)-(BB).

20-27.02. Conducting mixed martial arts events.

(A) No changes.

(B) Deletes exhibitions since they are not allowed per definition and clarifies statutory reference.

(C) No changes.

20-27.03. Requirements for mixed martial arts contestants.

(A)(1) Adds written age with numeric age and that the maximum age of the contestant may be waived by the Commission designee; changes maximum age to 40; adds that a contestant petitioning for an age waiver must submit a complete application along with all medical records, official fight records and any other required documentation to the Commission Administrator at least 30 days prior to the scheduled bout.

(2) No changes.

(3) Deletes annual physical requirement and adds an annual blood test for detection of Hepatitis B and C and HIV.

(B)(1) Adds written age with numeric age and that the maximum age of the contestant may be waived by the Commission designee; changes maximum age to 40; adds that a contestant petitioning for an age waiver must submit a complete application along with all medical records, official fight records and any other required documentation to the Commission Administrator at least 30 days prior to the scheduled bout.

(2) No changes.

(3) Deletes annual physical requirement and adds an annual blood test for detection of Hepatitis B and C and HIV.

(C)(1) Adds written age with numeric age and that the maximum age of the contestant may be waived by the Commission designee; changes maximum age to 40; adds that a contestant petitioning for an age waiver must submit a complete application along with all medical records, official fight records and any other required documentation to the Commission Administrator at least 30 days prior to the scheduled bout.

(2) No changes.

(3) Deletes in its entirety.

(4) Renumbers as (3); corrects typographical error.

(5) Renumbers as (4); changes 75% to a majority.

(6) Renumbers as (5); no changes.

(D) Changes subsection title to Over-age MMA contestants petitioning for an age waiver

(1) Deletes in its entirety.

(2) Renumbers as (1); adds that the over-age MMA contestant, at the discretion of the Commission designee, shall provide a recent video record of his/her last fight or training bout and copies of his/her record.

(3) Renumbers as (2); no changes.

(4) Renumbers as (3); no changes.

(5) Renumbers as (4); adds ophthalmic eye exam report requirement.

20-27.04. Weigh in procedures.

Revises for clarity.

20-27.05. Judging and scoring.

No changes.

20-27.06. Fouls - intentional, unintentional, procedures and types of fouls.

(A)-(C) No changes.

(D) Adds professional and amateur contestants in parentheses.

(1)-(15) No changes.

(16) Corrects typographical error.

(17)-(30) No changes.

(31)-(32) Adds neck cranks and spine locks as types of fouls.

(E) Adds new subsection for types of fouls applicable to amateurs only.

20-27.07. Mouthpiece rule.

Adds sentence about the mouthpiece being subject to examination and approval by the physician and a sentence recommending each contestant have a spare mouthpiece.

20-27.08. Restarting fighters.

No changes.

20-27.09. Appearance, Attire and Protective Equipment.

Adds "Attire and Protective Equipment" in section title.

(A) No changes.

(B) Rewords sentence regarding negative pregnancy tests for female fighters by eliminating the 7 days prior to the event requirement and allowing for review by the ringside physician on the day of the event.

(C) Adds sentence that swimming suits/trunks are not allowed as apparel by the Commission.

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- (D) Adds that female fighters must wear a sports bra.
- (E)-(J) No changes.
- (K) Deletes last sentence.
- (L) Changes “inspector’s” to “Commission Representatives”.
- (M) Adds that jewelry and piercings cannot be worn during an event.

20-27.10. Glove specifications for Professional and Amateur Contestants.

Adds “for Professional and Amateur Contestants” in section title; subdivides section into 1. Professional and 2. Amateur categories.

1. (A) Changes 8 to 6.
 - (B)-(C) No changes.
 - (D) Revises for clarity.
 - (E) New subsection; adds that gloves for all main events shall be new or in like new condition or the gloves must be replaced.
2. New subsection for amateur contestants; adds glove specifications and requirements.

20-27.11. Specifications for bandages on hands for mixed martial art contestants.

- (A) Adds numeral in parentheses for consistency.
- (B)-(F) No changes.

20-27.12. Requirements for a ring or caged area.

- (A)-(B)(5) No changes.
- (6) New subsection; adds that a ring must have 5 ring ropes.
- (7) Renumbers former (6); adds additional specifications for ring posts; capitalizes representative after Commission throughout (B).
- (8) Renumbers former (7).
- (9) Renumbers former (8).
- (10) Renumbers former (9); adds that entrances must not be obstructed during an event.
- (11)-(12) Renumbers former (10)-(11).
- (13) Renumbers former (12); adds sentence for ring stools to be cleaned at the end of each fight.
- (14) Renumbers former (13); adds sentence for buckets to be cleaned at the end of each fight.

20-27.13. Rubber gloves.

No changes.

20-27.14. Types of bout results.

- (A)(1)-(5) No changes.
- (6) Rewords for clarity.
- (7)-(10) No changes.

20-27.15. Number of rounds required for mixed martial arts bouts and events.

- (A)(1)-(2) Changes 15 second to 10 second warning signal.
- (B)(1) Changes 90 second to one minute rest period and 15 second to 10 second warning signal.
 - (2) Changes 15 second to 10 second warning signal.
- (C) No substantive changes.

20-27.16. Promoter's responsibilities.

(A)(1) Changes 14 days to 72 hours.

(2) No changes.

(B) Adds that event permit application must be submitted to the Commission at least fourteen days prior to the scheduled event.

(C) Adds “to the Commission” for clarity and deletes social security number as identifier for the protection of the public.

(D) Changes inspector to Commission; deletes last sentence.

(E) No changes.

(F) Changes \$25,000.00 event insurance coverage to \$10,000.00; deletes last sentence.

(G) Clarifies that EMT personnel must be present at the time the event is open to the public.

(H) Deletes in its entirety.

(I)-(O) Renumbers as (H)-(N).

(P) Renumbers as (O); adds “within the time specified herein” for clarity; adds that promoters must pay either the higher amount of five percent of the gross gate receipts or a \$25.00 minimum to the Commission within 30 days after the event and failure to pay will result in a \$250.00 administrative fine, with an additional \$250.00 every 30 days thereafter up to \$1000.00; promoters with outstanding unpaid gate fees will not be issued event permits and will be subject to disciplinary action;

New subsection (P) adds that promoters must pay to the Commission a sanctioning fee as determined by the Commission to cover the cost of inspections in the enforcement of compliance with this chapter and the statute.

(Q) New subsection; adds that the Commission Representative shall select and assign event referees and judges, compensated by the promoter for their work as an official.

20-27.17. Licensing.

(A) Rewords for clarity.

(B) Deletes in its entirety; adds that license application must include a photograph showing a frontal view of the head and shoulders of the applicant.

(C) New subsection; adds that a contestant’s application must be made at least seven days prior to a scheduled event except as authorized by the Commission designee.

(D) New subsection; adds that an unlicensed manager shall not contract with any promoter or matchmaker.

(E) New subsection; adds that an unlicensed person shall not contract to receive a portion of a contestant’s bout earnings until issued a manager’s license.

(F) New subsection; adds that each license is valid from the date of issuance until December 31st of the calendar year and all applicants who wish to participate in events must re-apply for licensure and meet the requirements each year.

20-27.18. Seconds’ and Managers’ duties when working in a corner.

Adds “and Managers’” to section title; pluralizes Seconds.

(A)-(C) No changes.

(D) Changes one to two seconds that may enter the cage between rounds.

(E) No changes.

(F) New subsection; adds that seconds, trainers and managers must not heckle, hinder, disrupt or otherwise annoy the opponent, officials, Commission Representatives or other seconds during an event.

(G) Renumbers (F); adds “at the discretion of the Commission” at the end of the sentence.

(H)-(I) Renumbers (G)-(H); no changes.

(J) New subsection; adds that any second may terminate the performance of his/her fighter he/she is serving either between rounds or during the progress of any round in which such fighter is a contestant.

(K) New subsection; adds that no seconds or managers shall attempt to render aid to a disabled fighter before the ringside physician has had an opportunity to examine the fighter.

20-27.19. Disciplinary action.

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- (A) No changes.
- (B) Changes “hold a contestant’s purse” to “suspend a contract”.
- (C) Deletes in its entirety.
- (D) Renumbers as (C); revises for clarity.
- (E) Renumbers as (D); no changes.
- (F) Renumbers as (E); revises for clarity.
- (G) Renumbers as (F); no changes.
- (H) Renumbers as (G); revises for clarity.
- (I) Renumbers as (H); revises for clarity.
- (J) Renumbers as (I); revises for clarity.
- (K) Renumbers as (J); no changes.
- (L) Renumbers as (K); adds verbal abuse as prohibited.

20-27.20. Suspensions and mandatory rest period.

- (A)-(C) No changes.
- (D)-(F) Revises for clarity.

20-27.21. Medical requirements for mixed martial arts contestants.

- (A)-(C) No changes.
- (D)(1)-(2) No changes.
 - (3) Deletes in its entirety.
- (E)(1) No changes.
 - (2) Changes 5 to 6.
 - (3) No changes.
- (F)-(G) Revises for clarity.
- (H) New subsection; adds that the Commission may order an examination of the contestant at any time.

20-27.22. Conduct when contestants enter the ring or caged area.

- (A) No changes.
- (B) New subsection; adds that no person other than the contestant and referee may be in the ring or cage during the progress of a round.

20-27.24. Change of Decision by Commission.

New subsection; adds that the Commission may declare a referee's decision a “no contest”.

20-27.25. Judges; Majority Vote.

New subsection; adds 3 judges for all events and that those judges’ decision shall be final.

20-27.26. Substitution of Referee or Judge.

New subsection; adds instructions for a substitute referee or judge.

20-27.27. General Supervisory Duties.

Adds new Article 1 Commission Representative Duties above new subsection; adds general supervisory duties.

20-27.28. Verbal or Physical Abuse of Commissioner or Commission Representative.

New subsection; adds that abuse of Commissioner or Representative is a violation incurring penalties and subject to applicable laws.

20-27.29. Attendance at Weigh-In.

New subsection; adds that a Commission Representative must attend all weigh-ins.

20-27.30. Receipt Book.

New subsection; adds requirements for receipt books.

20-27.31. Forwarding of Scorecards.

New subsection; adds the Commission Representative must forward scorecards to the Commission upon request.

20-27.32. Check of Substitute Contestants.

New subsection; adds check for substitute contestants and that approval inside of 72 hours prior to the event will be at the discretion of the Commission Designee.

20-27.33. Check of Seconds' Compliance with Rules.

New subsection; adds that the Commission Representative shall see that all seconds present a neat appearance according to the rules of this Chapter.

20-27.34. Assure Enforcement of Regulations.

New subsection; adds that the Commission Representative shall assure enforcement of regulations.

20-27.35. Report of Injuries.

New subsection; adds that Commission representatives shall report any injuries to the Commission within seventy-two (72) hours.

20-27.36. Forwarding of Receipts.

New subsection; adds that Commission representatives shall maintain all receipts from receipt books in their custody promptly after the conduct of any show to which they are assigned.

20-27.37. Designation; Approval; License.

Adds new Article 2 Announcers above new subsection; adds that announcers may be designated by the promoters with the approval of the Commission Representative and must be licensed.

20-27.38. Authorization to Announce.

New subsection; adds that announcers must have authorization by their promoters to announce.

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20-27.39. Announcement of Contestants' Names and Weights.

New subsection; adds that announcements of contestants' names and weights occur after contestants and their chief seconds are in the ring.

20-27.40. Announcement of Contest Results.

New subsection; adds when the announcers shall announce the contest results.

20-27.41. Neutrality.

New subsection; adds that announcers must be neutral.

20-27.42. Introducing Suspended Person.

New subsection; adds that no suspended contestants or persons may be announced.

20-27.43. Approval and License.

Adds new Article 3 Timekeepers above new subsection; adds that timekeepers shall be approved and licensed by the Commission.

20-27.44. Stop-Watch.

New subsection; adds that a timekeeper shall have an accurate stop-watch approved by the Commission Representative.

20-27.45. Time of Round; Rest Period.

New subsection; adds the times of each contest round and rest periods.

20-27.46. Warning Signal.

New subsection; adds a warning signal for the seconds of the contestants.

20-27.47. Termination before Scheduled Limit.

New subsection; adds that the timekeeper shall inform the announcer of the duration of the contest in the event the contest terminates before the scheduled limit.

20-27.48. Location near Bell.

New subsection; adds a timekeeper shall be seated close to the bell at ringside.

20-27.49. Signals during Rounds.

New subsection; adds that the only signal given during a round is the official ten-second signal.

20-27.50. Termination between Rounds.

New subsection; adds when the timekeeper sounds the bell as a signal for the next round as termination.

20-27.51. Count for Knockdowns.

New subsection; adds that the timekeeper may be designated to initiate the count for knockdowns.

20-27.52. Approval and Assignment.

Adds new Article 4 Physicians above new subsection; adds that physicians are arranged for by the promoter from an approved list provided by the Commission.

20-27.53. Examination of Contestants.

New subsection; adds that physicians assigned to contestants' shows must perform thorough pre- and post-fight physicals on the contestants on the day of the event.

20-27.54. Position at Ringside.

New subsection; adds the location of physicians at the ringside.

20-27.55. Completion of Injury Form and Report.

New subsection; adds that physicians must complete and return to the Commission Representative a printed injury form for every contestant immediately after a mixed martial arts event.

20-27.56. Unfit Participant.

New subsection; adds that physicians must rule off the card any contestant who is found physically unfit at the weigh-in or pre-fight physical.

20-27.57. Proof of Insurance.

Adds new Article 5 Insurance for Contestants above new subsection; adds that each licensed promoter is required to show proof of insurance at the time of application.

20-27.58. Coverage.

New subsection; adds that insurance coverage shall be \$10,000.00 in the case of injury or death.

20-27.60. General Responsibility.

Adds new Article 6 Promoters above new subsection; adds that a licensed promoter is held responsible for adherence to the rules and regulations of the Commission.

20-27.61. Intermissions.

New subsection; adds that all events are limited to two intermissions.

20-27.62. Persons Unlicensed or Under Suspension.

New subsection; adds that promoters and their matchmakers shall not permit any person unlicensed or under suspension to take part in a sanctioned event.

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20-27.63. Grounds for Suspension of License.

New subsection; adds that any promoter holding a license may be suspended for a conviction of a felony or a crime involving moral turpitude or for unbecoming conduct at any time or place reflecting discredit to mixed martial arts.

20-27.64. Maintenance of Order; Responsibility.

New subsection; adds that promoters are responsible for maintaining order and must supply security.

20-27.65. Minimum/Maximum Schedule of Rounds per Program.

New subsection; adds that promoters shall not schedule less than twenty-one (21) or more than sixty (60) rounds of mixed martial arts on one program.

20-27.66. Time of Final Bout.

New subsection; adds that the final bout shall not end later than 11:59 P.M., unless approved by the Commission Representative.

20-27.67. Filing of Mixed Martial Arts Contracts; Secret Agreements.

New subsection; adds that contracts must be filed with the Commission before the event and secret agreements are prohibited.

20-27.68. Nonprofit and Charitable Events.

New subsection; adds that charitable events shall be subject to all the provisions of these rules and regulations.

20-27.69. Posting of Surety Bond or Certified Funds.

New subsection; adds that licensed promoters shall post with the Commission a surety bond or certified funds acceptable to the Commission in a minimum amount of five thousand dollars (\$5,000.00), but in no case, not less than the amount of the total purse.

20-27.70. Promoter Participating as a Contestant.

New subsection; adds that no promoter shall participate as a contestant in any event in which the promoter is involved as a promoter or a matchmaker.

20-27.71. Observance of Rules.

Adds new Article 7 Matchmakers above new subsection; adds that matchmakers must observe all the rules and requirements and is responsible for properly identifying all contestants.

20-27.72. Uneven Matches.

New subsection; adds that matchmakers and promoters will be held responsible if they make matches in which one of the principals is outclassed or mismatched.

20-27.73. Dealings with Persons Unlicensed or Under Suspension.

New subsection; adds that matchmakers shall not permit any person unlicensed or under suspension to take any part whatsoever in any match.

20-27.74. Grounds for Suspension of License.

New subsection; adds grounds for suspension of license for even participants.

20-27.75. Submission of Names and Addresses of Contestants.

New subsection; adds that the submission of contestants names and addresses must be submitted to the Commission Representative no later than seventy-two (72) hours prior to the start of the event.

20-27.76. Matchmaker Participating as a Contestant.

New subsection; adds that no matchmaker shall participate as a contestant in any event in which he/she is involved as a matchmaker.

20-27.80. Female MMA Contestants.

Adds new Article 8 Female MMA Contestants above new subsection; adds rules for female MMA contestants.

20-27.81. Investigations and Hearings Held by Commission.

Adds new Article 9 Hearings and Subpoena of Witnesses above new subsection; adds that the Commission may hold hearings and issue subpoenas.

20-27.82. Disciplinary Action.

New subsection; adds that any licensee is subject to disciplinary action for violation

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

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 am on February 3, 2015. Written comments may be directed to Roderick Atkinson, Administrator, South Carolina State Athletic Commission, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 29, 2014. 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.

Statement of Need and Reasonableness:

These regulations are amended in conformance with the State Athletic Commission Practice Act and in compliance with S.C. Code Ann. §40-81-70. These regulations remove all references to repealed Title 52,

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Chapter 7 and update references in conformance with Title 40, Chapter 81 (2003 Act No. 28) as well as revise current language and order for clarity.

Reg. 20-1.1 updates definitions in accordance with S.C. Code Ann. §40-81-20, and Reg. 20-1.2 adds new classes of boxers in conformance with world and international accrediting organizations. Reg. 20-1.3 adds weigh-in procedures and Reg. 20-2.15 adds requirement for the safe use of steps leading to the boxing ring in compliance with S.C. Code Ann. §40-81-70. Reg. 20-2.16 adds that boxers are not allowed to share mouthpieces in adherence to the sanitary requirement in S.C. Code Ann. §40-81-425(7) that clean mouthpieces be used for each bout. Reg. 20-3.5 provides for the ringside physician to be present two hours prior to the event and for EMT personnel and an ambulance to be onsite in compliance with S.C. Code Ann. §40-81-490(1). Reg. 20-3.8 adds that the Commission must test for unauthorized substances as on the prohibited drugs list maintained by the World Anti-Doping Agency in conformance with S.C. Code Ann. §40-81-510. Reg. 20-3.20 adds requirements for suspension time for knockouts and provision for a neurological examination in compliance with S.C. Code Ann. §40-81-470. Reg. 20-4.3 conform to S.C. Code Ann. §40-81-240(B) with all licenses as expiring on December 31. Reg. 20-4.8 2.c. provides for the acceptance of certified funds as an option to the surety bond requirement in accordance with S.C. Code Ann. §40-81-420(1)(c), and Reg. 20-4.8 4. adheres to S.C. Code Ann. §40-81-360(A). Reg. 20-5.16 adds a new infraction of intentionally spitting at an opponent or spectators in compliance with S.C. Code Ann. §40-81-120.

Reg. 20-6.1 outlines general qualifications for managers in conformance with S.C. Code Ann. §40-81-310. Reg. 20-6.3 references S.C. Code Ann. §40-81-240(B) by adding that a manager's license is renewed annually. Reg. 20-7.9 adds provision for a medical person or "cut person" to enter the ring in case the boxer sustains an open cut as a result of fighting in compliance with S.C. Code Ann. §40-81-490.

Reg. 20-8.0 complies with S.C. Code Ann. §§40-81-380 and 40-81-390 with regards to licensure requirements for referees and judges. These regulations also replace references to the Department Director where needed with the Commission Representative in accordance with S.C. Code Ann. §40-81-40(A). Reg. 20-9.6 adds that promoters submit contestants' information in compliance with S.C. Code Ann. §40-81-420(1)(a).

Subchapter 10 (Reg. 20-10.1 through Reg. 20-10.6) and Subchapter 11 (Reg. 11.1 through Reg. 11.9) are in compliance with S.C. Code Ann. § 40-81-340 and 40-81-400, respectively. Subchapter 12 (Reg. 12.1 through Reg. 12.5) is in accordance with S.C. Code Ann. §40-81-490.

These regulations repeal current Subchapter 22 since it is without statutory authority.

Subchapter 17 (Reg. 20-17.1 through Reg. 20-17.11) and Subchapter 18 (Reg. 20-18.1 through Reg. 20-18.9) comply with S.C. Code Ann. §§40-81-350, 40-81-360 and 40-81-410, respectively.

Subchapters 22 (Reg. 20-22.1 through Reg. 20-22.16), 23 (Reg. 20-23.1 through Reg. 20-23.16), and 25 (Reg. 20-25.1) are in accordance with S.C. Code Ann. §§40-81-280, 40-81-300, 40-81-425.

Regulations for mixed martial arts became effective upon publication in the *State Register* on June 22, 2012. These regulations revise current language and add further regulations for the sport and performance of mixed martial arts.

Reg. 20-27.01 updates definitions in accordance with S.C. Code Ann. §40-81-20, and Reg. 20-27.03 revises text to add the waiver for over-age amateur and professional contestants and the annual blood test requirement in accordance with S.C. Code Ann. §40-81-280(1) and 40-81-280(4), respectively. Reg. 20-27.21 expounds upon S.C. Code Ann. §40-81-280(3).

DESCRIPTION OF REGULATION:

Purpose: The board is amending the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-81-70.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.
DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the Commission's function of protecting public health in the state of South Carolina.

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

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

Statement of Rationale:

These regulations are amended in conformance with the current State Athletic Commission 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. 4537
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-9-55, 40-1-50, and 40-1-70

8-145. Fees.
8-618. Schedule of Fees.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulations 8-145 and 8-618 to remove the existing schedule of fees, and to cross-reference the fees in their new location in Chapter 10.

Section-by-Section Discussion

8-145. Fees.

Remove the existing schedule of fees and cross-reference the fees in their new location in Chapter 10-7.

8-618. Schedule of Fees.

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Remove the existing schedule of fees and cross-reference the fees in their new location in Chapter 10-7. A Notice of Drafting was published in the *State Register* on October 24, 2014.

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 January 20, 2015. Written comments may be directed to Roger K. Lowe, Administrator, Building Codes Council, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 29, 2014. 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 comport with establishment of fees in Chapter 10 of the Regulations.

DESCRIPTION OF REGULATION:

Purpose: The Council is repealing fees now established in Chapter 10.

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

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 establishment of fees in Chapter 10 of the Regulations.

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 centralize fee schedules and remove duplicative and outdated information.

Text:

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

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Filed: November 3, 2014 1:54pm

Document No. 4522
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-100. Suspension of Certification Due to Criminal Charges and/or Indictment.

Emergency Situation:

S.C. Code §23-23-10 et seq. requires the Law Enforcement Training Council to certify and evaluate eligibility for certification of law enforcement officers in the state of South Carolina. Consistent with this authorization, the Training Council has noted some currently certified law enforcement officers are charged and/or indicted for crimes that, if they resulted in a conviction, could result in disqualification under S.C. Code §23-23-60, S.C. Regulation 38-004, and/or S.C. Regulation 38-016. Due to the potential danger posed to the public in allowing these individuals to remain actively engaged in law enforcement duties while such charges are pending, the Training Council believes this emergency regulation is necessary. This emergency regulation was filed once before on August 1, 2014 at 12:30 p.m., when the legislature was not in session, and is, therefore, refiled pursuant to S.C. Code §1-23-130(C).

Text:

ARTICLE 5

ADJUDICATION OF MISCONDUCT ALLEGATIONS

37-100. Suspension of Certification Due to Criminal Charges and/or Indictment.

A. If a law enforcement officer is charged and/or indicted for a crime that could result in disqualification under S.C. Code 23-23-60, S.C. Regulation 38-004, and/or S.C. Regulation 38-016, the officer's law enforcement certification will be automatically suspended until the criminal charge is resolved.

B. Upon receiving notification that a law enforcement officer has been charged and/or indicted for a crime that could result in disqualification under S.C. Code 23-23-60, S.C. Regulation 38-004, and/or S.C. Regulation 38-016, the Academy shall notify the officer and the officer's current law enforcement employer of the automatic suspension of the officer's law enforcement certification. This notification shall be sent by registered mail, to the current address on file at the Academy, return receipt requested, to the officer and to the current law enforcement employer. It is the responsibility of every law enforcement officer to notify the Academy of his or her current address.

C. Once the criminal charge against the law enforcement officer has been resolved:

1. Should the resolution be in the officer's favor (Not guilty, nol pros, expungment, pardon), it is the responsibility of the officer to notify the Academy of the resolution of the criminal charge(s) by providing the Academy with certified copies of Court document(s) showing the resolution of the criminal charges; or

2. Should the resolution be a conviction, plea of guilty, or plea of no contest it shall be the responsibility of the law enforcement employer to notify the Academy of the resolution of the criminal charge(s) by providing the Academy with certified copies of the Court document(s) showing the resolution of the criminal charge(s).

Filed: November 14, 2014 11:10am

Document No. 4526
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 1-23-130 and 44-7-110 et seq.

61-15. Certification of Need for Health Facilities and Services.

Emergency Situation:

Between July 1, 2013, and April 14, 2014, the South Carolina Department of Health and Environmental Control (“the Department”) did not administer the Certificate of Need (“CON”) program due to lack of funding. This resulted in a period in which prospective applicants were unable to submit applications for project approval. Upon commencing the program, the Department has arrived at a circumstance involving an influx of applications and other requests.

The below emergency regulation streamlines CON review in a manner necessary for the Department to manage the influx efficiently in accordance with governing law. Inability to process these CON projects in a timely manner will deprive health services in areas of need as defined by the South Carolina State Health Plan. The Department finds this emergency regulation is required to avoid any imminent peril to public health and welfare that might result from the public’s deprivation of these needed health services.

Text:

1. The application required by Section 44-7-200(A) of the S.C. Code of Laws is online. An applicant shall submit an electronic Certificate of Need application as presented on the Department’s internet website.
2. For the period of time this emergency regulation is in effect, Section 201 of R.61-15 shall be revised to read as follows: Within twenty days prior to submission of an application, the applicant shall publish notification that an application is to be submitted to the Department in the legal section of a daily newspaper serving the area where the project is to be located for three consecutive days. The notification must contain at least the following information: 1) that a Certificate of Need is being applied for; 2) a description of the scope and nature of the project; and 3) the estimated project capital cost. No application shall be accepted for filing by the Department unless accompanied by affirmation from the applicant in the online application that the required newspaper publication has been made for three consecutive days within the prior twenty-day period.
3. For the period of time this emergency regulation is in effect, Section 202 of R.61-15 shall be suspended.
4. For the period of time this emergency regulation is in effect, Section 301 of R.61-15 shall be revised as follows: A non-refundable filing fee of five hundred dollars (\$500) shall be forwarded to the Bureau of Health Facilities and Services Development, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC, 29201, at the same time the online application is submitted. Applicants are encouraged to involve the Department in the development of proposed projects prior to the submission of an application.