

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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Published June 28, 2019

Volume 43 Issue No. 6

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.

2019 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 | 1/11 | 2/8 | 3/8 | 4/12 | 5/10 | 6/14 | 7/12 | 8/9 | 9/13 | 10/11 | 11/8 | 12/13 |
| Publishing Date | 1/25 | 2/22 | 3/22 | 4/26 | 5/24 | 6/28 | 7/26 | 8/23 | 9/27 | 10/25 | 11/22 | 12/27 |

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

| DOC. NO. | RAT. NO. | FINAL ISSUE | SUBJECT | EXP. DATE | AGENCY |
|-------------------------------------|-------------|----------------|---|--------------|---|
| 4848 | | | Contractor's Licensing Board | 1/19/20 | LLR-Contractor's Licensing Board |
| 4852 | | | Board of Long Term Health Care Administrators | 2/03/20 | LLR-Board of Long Term Health Care Administrators |
| 4873 | | | Air Pollution Control Regulations and Standards | 3/17/20 | Department of Health and Envir Control |
| 4876 | | | Electronic Transmissions | 4/26/20 | Secretary of State |
| Committee Request Withdrawal | | | | | |
| 4843 | | | Board of Physical Therapy Examiners | Tolled | LLR |
| 4861 | | | Consolidated Procurement Code | Tolled | State Fiscal Accountability Authority |

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 |
|-------------------------------------|---|-----------------------------------|-----------------------------------|
| 4848 | Contractor's Licensing Board | Regulations and Admin. Procedures | Labor, Commerce and Industry |
| 4852 | Board of Long Term Health Care Administrators | Regulations and Admin. Procedures | Medical Affairs |
| 4873 | Air Pollution Control Regulations and Standards | Regulations and Admin. Procedures | Agriculture and Natural Resources |
| 4876 | Electronic Transmissions | Regulations and Admin. Procedures | Judiciary |
| Committee Request Withdrawal | | | |
| 4843 | Board of Physical Therapy Examiners | Regulations and Admin. Procedures | Medical Affairs |
| 4861 | Consolidated Procurement Code | Regulations and Admin. Procedures | Finance |

Executive Order No. 2019-18

WHEREAS, I have been notified of the passing of Ronald “Ronnie” Young, member of the South Carolina House of Representatives; and

WHEREAS, in addition to his dutiful service as a member of the South Carolina House of Representatives, Representative Young previously served the State of South Carolina in various local capacities, including as a member of the Aiken County School Board and as a member and chairman of Aiken County Council; and

WHEREAS, Representative Young was a dedicated public servant, principled leader, and loyal son of Aiken County, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; and

WHEREAS, section 10-1-161 of the South Carolina Code of Laws, as amended, provides that “the flags which are flown atop the State Capitol Building must be lowered to half-staff on the day on which funeral services are conducted for . . . current members of the South Carolina General Assembly,” and “upon the death of a person of extraordinary stature,” authorizes the Governor to order “that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol Building be lowered to half-staff from sunrise until sunset on Friday, May 24, 2019, in honor of Representative Young and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 21st DAY OF MAY, 2019.

HENRY MCMASTER
Governor

Executive Order No. 2019-19

WHEREAS, the State of South Carolina must stand ready and remain prepared to respond in a coordinated, efficient, and effective manner to a wide range of emergency situations, including natural, technological, and man-made disasters, which can damage and destroy property, obstruct important services, disrupt commercial and recreational activities, impede economic growth and development, and threaten the safety, security, and welfare of the people of this State; and

WHEREAS, the State’s exposure or susceptibility to certain risks and disaster scenarios is exacerbated by recent population growth, particularly in the coastal areas, as well as increases in the number of seasonal vacationers and in the number of elderly residents and residents with special needs; and

WHEREAS, the State must take timely precautions to protect its people, property, critical infrastructure, and communities from a variety of disaster scenarios and must proactively prepare for all-hazard events, to include planning for the efficient evacuation and shelter of threatened or displaced persons, the rapid and orderly provision of relief to impacted persons, the prompt restoration of essential services, and the effective coordination of activities and resources relating to emergency preparedness, response, mitigation, and recovery between and among agencies and officials of this State and the political subdivisions thereof and agencies and

4 EXECUTIVE ORDERS

officials of other states and the federal government, as well as interstate and non-governmental organizations and other private-sector entities; and

WHEREAS, section 25-1-440(b) of the South Carolina Code of Laws, as amended, provides that the Governor is responsible “for the development and coordination of a system of Comprehensive Emergency Management,” and section 25-1-420 of the South Carolina Code of Laws, as amended, specifies that the South Carolina Emergency Management Division (“EMD”) of the Office of the Adjutant General, is responsible for, *inter alia*, “coordinating the efforts of all state, county, and municipal agencies and departments in developing a State Emergency Plan” and “maintaining a State Emergency Operations Center”; and

WHEREAS, pursuant to section 25-1-420(a) of the South Carolina Code of Laws, as amended, and Regulation 58-101 of the South Carolina Code of Regulations, EMD has developed and submitted to the undersigned for review and approval an updated version of the South Carolina Emergency Operations Plan, dated April 09, 2019, which sets forth the policies and procedures governing the State’s preparation for and coordinated response to any disasters or all-hazard events that may occur in or otherwise impact the State of South Carolina.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby approve the April 09, 2019 South Carolina Emergency Operations Plan (“Plan”) and further order and direct as follows:

Section 1. Each department or agency of the State shall be responsible for emergency services as assigned in the Plan.

Section 2. Each department or agency of the State assigned a primary responsibility in the Plan shall maintain, as directed by EMD, comprehensive standard operating procedures for executing its assigned emergency services. Each department or agency of the State assigned a support responsibility in the Plan shall assist the primary department or agency in maintaining these procedures.

Section 3. Each department or agency of the State assigned a primary or support responsibility in the Plan shall participate in EMD-scheduled exercises and shall conduct the requisite training of personnel essential to the implementation of all assigned emergency functions.

Section 4. All departments or agencies of the State shall execute, without delay, the emergency functions so designated in the Plan, or as further ordered or otherwise directed by the undersigned, during any emergency or disaster through the initial use of existing department or agency appropriations and all necessary department or agency personnel, regardless of normal duty assignment.

This Order is effective immediately. Executive Order No. 2017-11 is hereby rescinded.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 22nd DAY OF MAY, 2019.**

**HENRY MCMASTER
Governor**

Executive Order No. 2019-20

WHEREAS, a Grand Jury convened in Dillon County has returned eleven separate indictments charging John Corey Jackson with Sexual Exploitation of a Minor, First Degree, in violation of section 16-15-395(A) of the South Carolina Code of Laws, as amended; and

WHEREAS, John Corey Jackson was recently elected to the office of Mayor of the City of Dillon, and he is anticipated to take and subscribe the requisite oath for such office on or about May 30, 2019; and

WHEREAS, the Mayor of the City of Dillon is an officer of the State or its political subdivisions; and

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

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

WHEREAS, as a general rule, “[s]exual offenses of virtually every kind and variety are deemed crimes of moral turpitude,” 1994 S.C. Op. Att’y Gen. 64, 1994 WL 199758 (1994); and

WHEREAS, the aforementioned indictments charge John Corey Jackson with one or more “crime[s] involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend John Corey Jackson from the office of Mayor of the City of Dillon, effective immediately upon him taking and subscribing the oath of office or otherwise attempting to exercise any authority as Mayor of the City of Dillon, whichever event occurs first, and such suspension shall remain in effect until such time as he shall be formally acquitted or convicted. This action in no manner addresses the guilt or innocence of John Corey Jackson and shall not be construed as an expression of any opinion on such question.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 29th DAY OF MAY, 2019.**

HENRY MCMASTER
Governor

6 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **June 28, 2019** 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 Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201 at (803) 545-3495.

Affecting Clarendon County

Clarendon Hospital District d/b/a Windsor Manor Nursing Home

Construction for the replacement of the current Windsor Manor Nursing Home and the addition of 24 skilled nursing beds for a total of 88 skilled nursing beds at a total project cost of \$19,225,954.

Affecting Horry County

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

Addition of 32 general hospital beds for a total of 357 general hospital beds at a total project cost of \$14,539,000.

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

Addition of 2 Psychiatric beds for a total of 22 Psychiatric beds at a total project cost of \$502.50.

Affecting Richland County

Radiation Oncology, LLC (ROL) d/b/a South Carolina Oncology Associates (SCOA)

Renovation for the addition of a 1.5T MRI and purchase of Brainlab technology equipment to add Stereotactic Radiation Surgery (SRS) to an existing Linear Accelerator (IGRT) at a total project cost of \$3,566,051.30.

Affecting York County

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

Renovation of existing 3,435 sf and the addition of 9 psychiatric beds for a total of 29 psychiatric beds at a total project cost of \$1,190,525.

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 **June 28, 2019**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3495.

Affecting Charleston County

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

Addition of 6 general hospital beds for a total of 288 general hospital beds at a total project cost of \$22,656,000.

Affecting Chester County

Interim HealthCare of the Triad, Inc. d/b/a Interim HealthCare of Rock Hill

Establishment of a Home Health Agency in Chester County at a total project cost of \$10,553.

Affecting of Clarendon County

Coastal Health, LLC

Establishment of a Home Health Agency in Clarendon County at a total project cost of \$72,000.

Affecting Dillon County

Coastal Health, LLC

Establishment of a Home Health Agency in Dillon County at a total project cost of \$72,000.

Affecting Florence County

Coastal Health, LLC

Establishment of a Home Health Agency in Florence County at a total project cost of \$72,000.

Affecting Greenville County

Encompass Health Rehabilitation Hospital of Greenville, LLC d/b/a Encompass Health Rehabilitation Hospital of Greenville

Establishment of a 40-bed Freestanding Inpatient Rehabilitation Hospital in Greenville County at a total project cost of \$32,629,576.

Affecting Horry County

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

Addition of 32 general hospital beds for a total of 357 general hospital beds at a total project cost of \$14,539,000.

Affecting Lancaster County

Interim HealthCare of the Triad, Inc. d/b/a Interim HealthCare of Rock Hill

Establishment of a Home Health Agency in Lancaster County at a total project cost of \$10,553.

Affecting Marion County

Coastal Health, LLC

Establishment of a Home Health Agency in Marion County at a total project cost of \$72,000.

Affecting Williamsburg County

Coastal Health, LLC

Establishment of a Home Health Agency in Williamsburg County at a total project cost of \$72,000.

Affecting York County

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

Renovation of existing 3,435 sf and the addition of 9 psychiatric beds for a total of 29 psychiatric beds at a total project cost of \$1,190,525.

**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 August 27, 2019 at 10:00 AM at SCDLLR, 121 Executive Center Dr., Suite 200, Columbia, SC 29211.

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 part of OSHA's ongoing effort to remove and/or revise outdated, duplicative, unnecessary, and inconsistent requirements in its safety and health standards. The Standards Improvement Project – Phase IV reduces regulatory burden on employers while maintaining or enhancing worker safety and health, and

8 NOTICES

improving worker privacy protections. Additionally, the agency is issuing technical amendments for minor corrections to the Process Safety Management of Highly Hazardous Chemicals and Slings standards.

Persons desiring either to speak at the hearing or to have their views submitted on the record if they cannot appear must file with the Director of the SCDLLR either a notice of intention to appear or a summary of their views on the matter no later than August 16, 2019.

Emily Farr, Director
SCDLLR
PO Box 11329
Columbia, SC 29211-1329

COMMISSION ON INDIGENT DEFENSE
CHAPTER 70
Statutory Authority: 1976 Code Section 17-3-310

Notice of Drafting:

The South Carolina Commission on Indigent Defense proposes to draft a regulation to establish a uniform process to be used in the screening and determination of indigency and qualifications for services for indigent legal representation. Interested persons may submit written comments to Hervery B. O. Young at SCCID, Post Office Box 11433, Columbia, South Carolina 29211. To be considered, all comments must be received in writing no later than July 31, 2019, the close of the drafting period.

Synopsis:

The Commission is proposing a uniformed screening process which can be followed by county screening entities to screen applicants for indigent defense representation. Currently, the various screening entities are conducting screening differently and using different standards to determine if applicants are indigent and eligible for indigent defense services. To ensure an effective, efficient and transparent indigent screening process, a uniformed method will be implemented in the following counties: Aiken, Allendale, Chester, Clarendon, Florence, Horry, Laurens, Marlboro, Richland, and Spartanburg.

Legislative review of this proposed regulation is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF FUNERAL SERVICE
CHAPTER 57
Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-60

Notice of Drafting:

The South Carolina Board of Funeral Service proposes to amend R.57-15, regarding the inspection guidelines. Interested persons may submit comments to Amy Holleman, Administrator, Board of Funeral Service, Post Office Box 11329, Columbia, S.C. 29211-1139.

Synopsis:

The South Carolina Board of Funeral Service proposes to amend R.57-15, regarding the inspection guidelines.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
CHAPTER 93
Statutory Authority: 1976 Code Sections 40-1-70 and 40-35-60

Notice of Drafting:

The South Carolina Board of Long Term Health Care Administrators proposes to amend R.93-50 to add a definition for Health Services Executive and R.93-70 to include Health Services Executives certificates as satisfying the education and experience requirements for nursing home administrators and community residential care facility administrators. Interested persons may submit comments to Meredith Buttler,

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Administrator, Board of Long Term Health Care Administrators, Post Office Box 11329, Columbia, S.C. 29211-1139.

Synopsis:

The South Carolina Board of Long Term Health Care Administrators proposes to amend R.93-50 to define Health Services Executive and R.93-70 to include, as an option for satisfying the required education and experience requirements, obtaining certification as a Health Services Executive.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF PHARMACY

CHAPTER 99

Statutory Authority: 1976 Code Sections 40-1-70, 40-43-60(C), (D)(5) and (8), and 40-43-86(B)

Notice of Drafting:

The South Carolina Board of Pharmacy proposes adding a regulation regarding compounding medications for use in veterinary practice. Interested persons may submit comments to Traci Collier, Administrator, South Carolina Board of Pharmacy, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Pharmacy proposes adding a regulation regarding compounding medications for use in veterinary practice.

Legislative review is required.