

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2023 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	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

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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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 \$90.00 plus applicable sales tax. 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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 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
5116			Classified Waters	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5119			Water Classifications and Standards	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5124			Denial of Certification for Misconduct	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5125			Denial of Operator Certification	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5126			Final Agency Decisions	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5127			Holding Contested Case Hearings	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5128			Withdrawal of Certification of Law Enforcement Officers	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5129			Withdrawal of Operator Certification	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5118			Vital Statistics	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5130			Defined Program, Grades 9-12 and Graduation Requirements	05/10/2023	State Board of Education	Regs and Admin Procedures	Education
5134			Use of the State Aviation Fund; Procedure for Compliance with Land Use in the Vicinity of Airports	05/10/2023	South Carolina Aeronautics Commission	Regs and Admin Procedures	Transportation
5120			WIC Vendors	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Family and Veterans' Services
5131			Continuing Obligation to Update, Request for Hearing, and Answer	05/10/2023	Workers' Compensation Commission	Regs and Admin Procedures	Judiciary
5140			Check-Cashing Service	05/10/2023	State Board of Financial Institutions-Consumer Finance Division	Regs and Admin Procedures	Banking and Insurance
5141			Check-Cashing Service: Purchase of Goods or Services	05/10/2023	State Board of Financial Institutions-Consumer Finance Division	Regs and Admin Procedures	Banking and Insurance
5145			Child Support Guidelines	05/10/2023	Department of Social Services	Regs and Admin Procedures	Judiciary
5136			Certification of Need for Health Facilities and Services	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5137			Water Pollution Control Permits	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5121			Definitions; Practice Standards for Licensed Veterinary Technicians and Unlicensed Veterinary Aides; Licensure and Examinations for Veterinarians	05/10/2023	LLR-Board of Veterinary Medical Exam.	Regs and Admin Procedures	Ag and Nat Resources
5138			X-Rays (Title B)	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5158			Optometrists' Offices and Code of Professional Ethics	05/10/2023	LLR-Board of Examiners in Optometry	Regs and Admin Procedures	Medical Affairs
5157			Fee Schedule for R.10-3, R.10-14, R.10-30, R.10-33, R.10-40, and R.10-41	05/10/2023	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5150			Establishing Continuing Education for Academic Licenses	05/10/2023	LLR-State Board of Medical Examiners	Regs and Admin Procedures	Medical Affairs
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5152			Corporate Self-Representation at Hearings Before the Department's Professional and Occupational Licensing Board	05/10/2023	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5149			Updating Regulations to Conform with the Enactment of S.812	05/10/2023	LLR-Board of Accountancy	Regs and Admin Procedures	Labor, Commerce and Industry
5155			Continuing Education, Licensing, Renewal, and Reinstatement	05/10/2023	LLR-Panel for Dietetics	Regs and Admin Procedures	Medical Affairs
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5172	Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources	05/10/2023	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
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5110	Licensure of Family Foster Homes and Approval of Adoptive Homes for Children in Foster Care	05/10/2023	Department of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5109	Licensure of Residential Group Care Facilities for Children	05/10/2023	Department of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5170	Board of Accountancy	05/10/2023	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5160	Fee Schedule for R.10-17, R.10-20, R.10-24, R.10-27, R.10-32, R.10-34, and R.10-42	05/10/2023	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5151	Handling Patient Records Upon the Death, Disappearance, or Incapacity of a Licensee	05/10/2023	LLR-State Board of Nursing	Regs and Admin Procedures	Medical Affairs
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5167	Voting Systems	01/21/2024	State Election Commission	Regs and Admin Procedures	Judiciary
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Permanently Withdrawn					
5169	Motor Vehicle Closing Fees		Department of Consumer Affairs	Regs and Admin Procedures	Banking and Insurance
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Executive Order No. 2023-06

WHEREAS, on May 16, 2022, the undersigned issued Executive Order No. 2022-15, suspending Matthew Durham from office as a member of Oconee County Council pursuant to article VI, section 8 of the South Carolina Constitution after a Grand Jury convened in Oconee County returned Indictments charging him with one count of Unlawful Neglect of Child, in violation of section 63-5-70 of the South Carolina Code of Laws, as amended, and one count of Domestic Violence, Second Degree, in violation of section 16-25-20(C) of the South Carolina Code of Laws, as amended; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned’s suspension of Matthew Durham was effective immediately and “until such time as he shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first”; and

WHEREAS, the Office of the Attorney General recently notified the undersigned that the above-referenced charges against Matthew Durham have been dismissed and that the aforementioned Indictments have been disposed of by entry of a *nolle prosequi*; and

WHEREAS, under South Carolina law, “a *nolle prosequi* upon charges extinguishes the State’s prosecution upon those charges” and “treats charges *nol proseed* as if they never existed,” *Mackey v. State*, 357 S.C. 666, 669, 595 S.E.2d 241, 243 (2004); and

WHEREAS, for the foregoing reasons, and in accordance with the cited authorities and other applicable law, the undersigned is required to rescind the previous suspension of Matthew Durham from office as a member of Oconee County Council.

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 rescind the suspension set forth in Executive Order No. 2022-15 and reinstate Matthew Durham as a member of Oconee County Council. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 30th DAY OF MARCH, 2023.

HENRY MCMASTER
Governor

Executive Order No. 2023-07

WHEREAS, the undersigned has been notified of the passing of John W. Jenrette, Jr., who previously served as a member of the South Carolina House of Representatives and the United States House of Representatives, representing the State’s Sixth Congressional District; and

WHEREAS, prior to his tenure in public service, John W. Jenrette, Jr. served honorably in the United States Army and the South Carolina National Guard; and

WHEREAS, John W. Jenrette, Jr. was a charismatic and colorful figure, tireless advocate for his State and his constituents, and successful businessman, and his passing warrants the people of this State further recognizing and appropriately honoring his legacy and service to the State of South Carolina and the United States of America; and

4 EXECUTIVE ORDERS

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of the death of a present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 10-1-161(B) 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” “[t]o honor and pay tribute to . . . current and past members of the United States Congress from 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 of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Friday, April 14, 2023, in honor of John W. Jenrette, Jr. and in recognition of his legacy and service to the State of South Carolina and the United States of America. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 13th DAY OF APRIL, 2023.**

**HENRY MCMASTER
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **April 28, 2023**, 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 Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

Affecting Anderson County**KidsCare Home Health of South Carolina LLC**

Establishment of a pediatric home health agency in Anderson County at a total project cost of \$3,000.00.

Affecting Barnwell County**Quality of Life Care, LLC Home Health Agency**

Establishment of a Home Health Agency in Barnwell County at a total project cost of \$6,000.00.

Affecting Beaufort County**Quality of Life Care, LLC Home Health Agency**

Establishment of a Home Health Agency in Beaufort County at a total project cost of \$6,000.00.

Affecting Charleston County**Medical University Hospital Authority d/b/a MUSC Medical Center**

Addition of a fifth Adult Cardiac Catheterization lab to the existing Cardiac Catheterization Department at a total project cost of \$1,477,111.00.

Affecting Florence County**Quality of Life Care, LLC Home Health Agency**

Establishment of a Home Health Agency in Florence County at a total project cost of \$6,000.00.

Affecting Georgetown County**Quality of Life Care, LLC Home Health Agency**

Establishment of a Home Health Agency in Georgetown County at a total project cost of \$6,000.00.

Affecting Greenville County**KidsCare Home Health of South Carolina LLC**

Establishment of a pediatric home health agency in Greenville County at a total project cost of \$3,000.00.

Affecting Horry County**Quality of Life Care, LLC Home Health Agency**

Establishment of a Home Health Agency in Horry County at a total project cost of \$6,000.00.

Affecting Laurens County**KidsCare Home Health of South Carolina LLC**

Establishment of a pediatric home health agency in Laurens County at a total project cost of \$3,000.00.

Affecting Lexington County**KidsCare Home Health of South Carolina LLC**

Establishment of a pediatric home health agency in Lexington County at a total project cost of \$3,000.00.

Affecting Newberry County**KidsCare Home Health of South Carolina LLC**

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Establishment of a pediatric home health agency in Newberry County at a total project cost of \$3,000.00.

Affecting Orangeburg County

KidsCare Home Health of South Carolina LLC

Establishment of a pediatric home health agency in Orangeburg County at a total project cost of \$3,000.00.

Affecting Pickens County

KidsCare Home Health of South Carolina LLC

Establishment of a pediatric home health agency in Pickens County at a total project cost of \$3,000.00.

Affecting Richland County

KidsCare Home Health of South Carolina LLC

Establishment of a pediatric home health agency in Richland County at a total project cost of \$3,000.00.

Affecting Spartanburg County

KidsCare Home Health of South Carolina LLC

Establishment of a pediatric home health agency in Spartanburg County at a total project cost of \$3,000.00.

Spartanburg Regional Health Services District, Inc., d/b/a Spartanburg Medical Center-Church Street Campus

Purchase of a Computed Tomography (CT) Scanner at a total project cost of \$1,961,460.00.

Affecting Sumter County

Quality of Life Care, LLC Home Health Agency

Establishment of a Home Health Agency in Sumter County at a total project cost of \$6,000.00.

Affecting Union County

KidsCare Home Health of South Carolina LLC

Establishment of a pediatric home health agency in Union County at a total project cost of \$3,000.00.

Affecting York County

KidsCare Home Health of South Carolina LLC

Establishment of a pediatric home health agency in York County at a total project cost of \$3,000.00.

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 no earlier than 30 days, but no later than 120 days, from **April 28, 2023**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to 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) 545-4200 or email coninfo@dhec.sc.gov.

Affecting Berkeley County

Quality of Life Care, LLC Home Health Agency

Establishment of a Home Health Agency in Berkeley County at a total project cost of \$6,000.00.

Affecting Charleston County

Quality of Life Care, LLC Home Health Agency

Establishment of a Home Health Agency in Charleston County at a total project cost of \$6,000.00.

Affecting Colleton County

Quality of Life Care, LLC Home Health Agency

Establishment of a Home Health Agency in Colleton County at a total project cost of \$6,000.00.

Affecting Greenville County**Prisma Ambulatory Surgery Centers-Upstate, LLC d/b/a Prisma Health Endoscopy Center Patewood**

Establishment of a 7,770 sf three (3) room endoscopy only ambulatory surgery facility, with renovations, at a total project cost of \$2,382,968.49.

Prisma Health-Upstate d/b/a Patewood Hospital

Renovation of 4,000 sf and expansion of 4,400 sf for a total of 8,400 sf for the establishment of two (2) Electrophysiology Labs at a total project cost of \$11,544,000.00.

Affecting Kershaw County**Quality of Life Care, LLC Home Health Agency**

Establishment of a Home Health Agency in Kershaw County at a total project cost of \$6,000.00.

Affecting Lexington County**Lexington Health, Inc. d/b/a Lexington Medical Center Irmo**

Transfer of one (1) Endoscopy Suite from Lexington Medical Center Lexington to Lexington Medical Center Irmo at a total project cost of \$82,500.00.

Quality of Life Care, LLC Home Health Agency

Establishment of a Home Health Agency in Lexington County at a total project cost of \$6,000.00.

Affecting Orangeburg County**Quality of Life Care, LLC Home Health Agency**

Establishment of a Home Health Agency in Orangeburg County at a total project cost of \$6,000.00.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC COMMENT PERIOD FOR SOUTH CAROLINA 2023 ANNUAL MONITORING NETWORK PLAN

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

The South Carolina Department of Health and Environmental Control (Department) is publishing this Notice of General Public Interest to provide opportunity to comment on the proposed 2023 South Carolina Annual Ambient Air Monitoring Network Plan (Network Plan) to meet obligations to the U.S. Environmental Protection Agency (EPA). This notice also provides documentation of the establishment and maintenance of an air quality surveillance system that consists of a network of state or local air monitoring stations (SLAMS) that includes federal reference method (FRM) and federal equivalent method (FEM) monitors that are part of SLAMS, national core multipollutant monitoring stations (NCore), chemical speciation network (CSN), and special purpose monitor (SPM) stations. The proposed Network Plan includes a statement of whether the operation of each monitor meets the requirements of [Appendix E](#) of Title 40, Part 58, Ambient Air Quality Surveillance, of the Code of Federal Regulations (40 CFR 58). As part of this Network Plan, the Department is also including an annual assessment as required under 40 CFR 51.1205(b) for those facilities that demonstrated attainment with the 1-hr Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) as part of the Data Requirements Rule (DRR) using modeled emission rates that were less than the maximum permit allowable rates. The Network Plan is available for public inspection and comment for 30 days prior to submission to the EPA to include any received comments. To be considered, the Department must receive comments no later than 5:00 p.m. on May 30, 2023, the close of the comment period.

8 NOTICES

The Department is also providing the interested public with the opportunity to request a public hearing on the Network Plan. If requested, the Department will hold a public hearing on June 7, 2023, at 10:00 a.m., in Room 2151 of the Sims Building, 2600 Bull Street, Columbia, South Carolina. Pursuant to 40 CFR 51.102, if the Department does not receive a request for a public hearing by the close of the comment period, 5:00 p.m. on May 30, 2023, the Department will cancel the public hearing. If the public hearing will be held remotely using an alternative method, or if the Department cancels the public hearing, then the Department will notify the public and provide instructions for accessing any remote public hearing (if a hearing is requested) at least one week prior to the scheduled hearing via the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>. Interested persons may also contact Sophia Grimsley, Air Regulation and Data Analysis Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; via phone at (803) 898-7217; or email at grimslsa@dhec.sc.gov for more information or to find out if the Department will hold the public hearing. A copy of the proposed 2023 South Carolina Annual Ambient Air Monitoring Network Plan is also located on the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>.

Synopsis:

In October 2006 and in April 2016, the EPA published requirements for an annual monitoring network plan. This Network Plan, as required and described in 40 CFR Part 58.10, Annual Monitoring Network Plan and Periodic Network Assessment, must contain the following information for each monitoring station in the network:

1. The Air Quality System (AQS) site identification number (ID) for existing stations,
2. Location of each monitoring station, including street address and geographical coordinates,
3. The sampling and analysis method used for each measured parameter,
4. The operating schedule for each monitor,
5. Any proposal to remove or relocate a monitoring station within a period of eighteen months following the network plan submittal,
6. The monitoring objective and spatial scale of representativeness for each monitor,
7. The identification of any sites that are suitable for comparison against the Particulate Matter less than 2.5 microns (PM_{2.5}) NAAQS, and
8. The Metropolitan Statistical Area (MSA), Core-Based Statistical Area (CBSA), Combined Statistical Area (CSA), or other area represented by the monitor.

Any network modifications to SLAMS networks are subject to the approval of the EPA Regional Administrator, who shall approve or disapprove the plan within 120 days of submission of a complete plan to the EPA. This 2023 South Carolina Annual Ambient Air Monitoring Network Plan covers the eighteen-month period from July 1, 2023, through December 31, 2024, and includes all anticipated modifications to the monitoring network.

The DRR annual assessment includes, for the applicable facilities, a comparison of the actual SO₂ emissions at each facility versus the SO₂ emissions included in the 1-hr SO₂ modeling demonstration and a determination as to whether the modeling performed for the DRR is still adequate to demonstrate attainment with the 1-hr SO₂ NAAQS.

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

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than May 29, 2023.

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

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

Class I**TRC Environmental Corporation**

Attn: Nakia Addison, PE
50 International Drive, Ste 150
Greenville, SC 29615

Class II**Pioneer Environmental Group**

Attn: Steven K. Jones
2917 East State Street Ext.
Mercerville, NJ 0819

10 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File # 59626
Arial Mill Site

NOTICES OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Arial Mill Ventures LLC (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Arial Mill facility located in Pickens County at 212 Rice Road, Easley, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

Response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing a remedial investigation and, if necessary, an evaluation of cleanup alternatives for addressing any contamination. Further, the Responsible Party shall reimburse the Department's future costs of overseeing the work performed by the Responsible Party and other Department response costs pursuant to the VCC.

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

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or vincenef@dhec.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than May 29th, 2023, and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved their liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Responsible Party may seek contribution from any person who is not a party to this administrative settlement.

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

DHEC-Bureau of Land and Waste Management, File # 59620
Azalea Complex Site

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

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Charleston County (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Azalea Complex facility located in Charleston County at 4350 Azalea Drive, 3691 Leeds Avenue, and 4361-4365 Headquarters Road, North Charleston, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

Response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing a remedial investigation and, if necessary, an evaluation of cleanup alternatives for addressing any contamination. Further, the Responsible Party shall reimburse the Department's future costs of overseeing the work performed by the Responsible Party and other Department response costs pursuant to the VCC.

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

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or vincenef@dhec.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than May 29th, 2023 and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved their liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Responsible Party may seek contribution from any person who is not a party to this administrative settlement.

12 DRAFTING NOTICES

STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-5-100, 59-5-120, and 59-67-520

Notice of Drafting:

The State Board of Education proposes to amend an existing regulation that addresses aides on school buses. Interested persons may submit their comments in writing to Phillip Cease, Director of Governmental Affairs, 1429 Senate Street, Columbia, SC 29201 or by e-mail to phease@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on May 29, 2023, the close of the drafting comment period.

Synopsis:

State Board of Education Regulation 43-80 deals with the transportation of students. The purpose of this amendment is to address the use of aides on school buses, particularly buses transporting students in wheelchairs and students using a Child Safety Restraint System.

Legislative review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 13-7-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-83, Transportation of Radioactive Waste Into or Within South Carolina. Interested persons may submit comment(s) on the proposed amendments to Lynne Garner of the Bureau of Land and Waste Management, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; garnerld@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on May 30, 2023, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Sections 13-7-10 et seq., the Department requires compliance with all applicable provisions of Title 10, Part 71 of the Code of Federal Regulations (10 CFR 71), as revised in February 2018, and any disposal facility’s radioactive material license requirements and site disposal criteria regarding the packaging, transportation, disposal, storage or delivery of radioactive materials. The Department proposes amending R.61-83, Transportation of Radioactive Waste Into or Within South Carolina, to incorporate 10 CFR 71 regulations promulgated in 2018, provide clarification for conformance with Disposal Site Criteria, include an exemption/exception allowance, and update Forms to the current documents in use.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

STATE COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-112-110

Notice of Drafting:

The Commission on Higher Education proposes to amend the regulation that addresses the policies and procedures for administering the Determination of Rates of Tuition and Fees (South Carolina Residency) Program at the public and independent colleges and universities in the state. Interested persons may submit comments to Dr. Karen Woodfaulk, Director for the Office of Student Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite, 400, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, May 26, 2023, the close of the drafting comment period.

Synopsis:

R.62-600 through R.62-612 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the SC Residency Regulation are being considered to clarify the policies and procedures for administering the program. The revisions seek to promote consistency among the State institutions and their residency classification processes.

Legislative review of this proposal will be required.

STATE COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Sections 59-104-20, 59-149-10, and 59-150-370

Notice of Drafting:

The Commission on Higher Education proposes to amend the regulation that addresses the policies and procedures for administering the Scholarship Appeals Regulation at the public and independent colleges and universities in the state. Interested persons may submit comments to Dr. Karen Woodfaulk, Director for the Office of Student Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite, 400, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, May 26, 2023, the close of the drafting comment period.

Synopsis:

The Commission on Higher Education proposes to amend (R.62-1000 through R.62-1040) the regulation that addresses the policies and procedures for administering the scholarship appeals process for LIFE, Palmetto Fellows, and HOPE scholarship programs at the public and independent colleges and universities in the state. The existing regulation was last revised in 2006.

Revisions to the existing regulation are being considered to clarify the policies and procedures for administering the program. Specific sections of the regulation are being edited or rewritten to remove redundancy and outdated procedures, and to ensure the regulation is inclusive of all State scholarship programs.

Legislative review of this proposal will be required.

14 DRAFTING NOTICES

STATE COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Sections 59-149-10 et seq.

Notice of Drafting:

The Commission on Higher Education proposes to amend the regulation that addresses the policies and procedures for administering the LIFE Scholarship & LIFE Scholarship Enhancement Program at the public and independent colleges and universities in the state. Interested persons may submit comments to Dr. Karen Woodfaulk, Director for the Office of Student Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite, 400, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, May 26, 2023, the close of the drafting comment period.

Synopsis:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-1200.1 through R.62-1200.75, LIFE Scholarship & LIFE Scholarship Enhancement Program. Revisions to the existing regulation for the LIFE Scholarship & LIFE Scholarship Enhancement Program are being considered to clarify the policies and procedures for administering the program. The program regulation was last amended in 2022.

Revisions to the existing regulation are being considered to clarify the policies and procedures for administering the program. Proposed amendments are anticipated to include editing or rewriting sections so as to clarify language, improve upon understanding of the regulation and promote consistency in the administration of the scholarship program among the public and independent colleges and universities in the state.

Legislative review of this proposal will be required.

STATE COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-150-360

Notice of Drafting:

The Commission on Higher Education proposes to amend the regulation that addresses the policies and procedures for administering the Lottery Tuition Assistance Program at the public and independent two-year colleges in the state. Interested persons may submit comments to Dr. Karen Woodfaulk, Director for the Office of Student Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite, 400, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, May 26, 2023, the close of the drafting comment period.

Synopsis:

R.62-900.150 through R.62-900.200 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the Lottery Tuition Assistance Program are being considered to clarify the policies and procedures for administering the program. The revisions seek to promote consistency among the State institutions and their awarding processes.

Legislative review of this proposal will be required.

STATE COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-142-20

Notice of Drafting:

The South Carolina Commission on Higher Education proposes to amend the regulation that addresses the policies and procedures for administering the South Carolina Need-based Grants Program at the public colleges and universities in the state. Interested persons may submit comments to Dr. Karen Woodfaulk, Director for the Office of Student Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite, 400, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, May 26, 2023, the close of the drafting comment period.

Synopsis:

The Commission on Higher Education proposes to amend (R.62-450 through R.62-505), the regulation that addresses the policies and procedures for administering the South Carolina Need-based Grants Program at the public colleges and universities in the state. The existing regulation was last revised in 2022.

Revisions to the existing regulation are being considered to clarify the policies and procedures for administering the program. Specific sections of the regulation are being edited or rewritten to remove redundancy and outdated procedures.

Legislative review of this proposal will be required.

STATE COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Sections 59-104-20 and 59-104-25

Notice of Drafting:

The Commission on Higher Education proposes to amend the regulation that addresses the policies and procedures for administering the Palmetto Fellows Scholarship Program at the public and independent colleges and universities in the state. Interested persons may submit comments to Dr. Karen Woodfaulk, Director for the Office of Student Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite, 400, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, May 26, 2023, the close of the drafting comment period.

Synopsis:

The Commission on Higher Education proposes to amend (R.62-300 through R.62-375) the regulation that addresses the policies and procedures for administering the Palmetto Fellows Scholarship Program (Sections 59-104-20 and 59-104-25) at the public and independent colleges and universities in the state. The program regulation was last amended in 2022.

Revisions to the existing regulation are being considered to clarify the policies and procedures for administering the program. Proposed amendments are anticipated to include editing or rewriting sections so as to clarify language, improve upon understanding of the regulation and promote consistency in the administration of the scholarship program among the public and independent colleges and universities in the state.

Legislative review of this proposal will be required.

16 DRAFTING NOTICES

STATE COMMISSION ON HIGHER EDUCATION

CHAPTER 62

Statutory Authority: 1976 Code Section 59-150-370

Notice of Drafting:

The Commission on Higher Education proposes to amend the regulation that addresses the policies and procedures for administering the SC HOPE Scholarship at the public and independent colleges and universities in the state. Interested persons may submit comments to Dr. Karen Woodfaulk, Director for the Office of Student Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite, 400, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, May 26, 2023, the close of the drafting comment period.

Synopsis:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-900.85 through R.62-900.140, SC HOPE Scholarship Program. Revisions to the existing regulation for the SC HOPE Scholarship Program are being considered to clarify the policies and procedures for administering the program. The program regulation was last amended in 2021.

Revisions to the existing regulation are being considered to clarify the policies and procedures for administering the program. Proposed amendments are anticipated to include editing or rewriting sections so as to clarify language, improve upon understanding of the regulation and promote consistency in the administration of the scholarship program among the public and independent colleges and universities in the state.

Legislative review of this proposal will be required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION SOUTH CAROLINA ENVIRONMENTAL CERTIFICATION BOARD

CHAPTER 51

Statutory Authority: 1976 Code Sections 40-1-70 and 40-23-60

Notice of Drafting:

The South Carolina Environmental Certification Board proposes to amend its regulations in conformance with its practice act. Interested persons may submit comments to Johnnie Rose, Administrator, Environmental Certification Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Environmental Certification Board proposes to amend its regulations in conformance with its practice act.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF PHYSICAL THERAPY EXAMINERS**

CHAPTER 101

Statutory Authority: 1976 Code Section 40-45-60

Notice of Drafting:

The South Carolina Board of Physical Therapy Examiners proposes to amend Chapter 101 of the Code of Regulations, including but not limited to sections R.101-07 regarding continuing education and R.101-11 regarding referral. Scrivener's errors and other matters will be corrected following the Board's review of its regulations, pursuant to S.C. Code Section 1-23-120. Interested persons may submit comments to Mack Williams, Administrator, Board of Physical Therapy Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Physical Therapy Examiners proposes to amend Chapter 101 of the Code of Regulations, including but not limited to sections R.101-07 regarding continuing education and R.101-11 regarding referral. Scrivener's errors and other matters will be corrected following the Board's review of its regulations pursuant to S.C. Code Section 1-23-120.

Legislative review of this amendment is required.