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# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
THE LEGISLATIVE COUNCIL  
of the  
GENERAL ASSEMBLY

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**Published August 22, 2014**

Volume 38 Issue No. 8

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**

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## **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>

<b>DOC. NO.</b>	<b>RAT. NO.</b>	<b>FINAL ISSUE</b>	<b>SUBJECT</b>	<b>EXP. DATE</b>	<b>AGENCY</b>
4350			Law Enforcement Officer and E-911 Officer Training and Certification (Re-number and Reorganize)	5/13/15	South Carolina Criminal Justice Academy



## 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>

<b>DOC. No.</b>	<b>SUBJECT</b>	<b>HOUSE COMMITTEE</b>	<b>SENATE COMMITTEE</b>
4350	Law Enforcement Officer and E-911 Officer Training and Certification (Renumber and Reorganize)	Judiciary	Judiciary

**Executive Order No. 2014-32**

**WHEREAS**, on July 21, 2014, Herman W. Young resigned as Fairfield County Sheriff creating a vacancy in the Office of the Sheriff of Fairfield County; and

**WHEREAS**, in the event of a vacancy in the office of sheriff the undersigned is authorized to fill the office by appointing a qualified replacement pursuant to Section 23-11-40(B) of the South Carolina Code of Laws as amended; and

**WHEREAS**, Dunstan C. Padgett, residing at 2601 Greenbrer Mossydale Road, Winnsboro, South Carolina 29180, is a fit and proper person to serve as the Fairfield County Sheriff.

**NOW, THEREFORE**, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Dunstan C. Padgett as Fairfield County Sheriff until a special election is held and his successor shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 23rd DAY OF JULY, 2014.**

**NIKKI R. HALEY**  
Governor

**Executive Order No. 2014-33**

**WHEREAS**, the Heritage Corridor Plan resulted from a grant awarded to the South Carolina Department of Parks, Recreation & Tourism (“SCPRT”) from the South Carolina Department of Transportation in 1993; and

**WHEREAS**, by Executive Order 1994-15, the Governor of the State of South Carolina charged SCPRT with creating a heritage program in South Carolina, recognizing there was a bill pending before the Congress of the United States to designate a corridor in the western part of the State of South Carolina as a National Heritage Corridor; and

**WHEREAS**, on November 12, 1996, Public Law 104-333, Division II, Title VI, 110 Statute 4260 officially established the South Carolina National Heritage Corridor (“SCNHC”), providing federal funding until 2012 for the South Carolina National Heritage Trust Program (“Program”), and directing selection of the management entity for the Program by the Governor of the State of South Carolina; and

**WHEREAS**, by Executive Order 1997-18, the Governor of the State of South Carolina, recognizing the significant cost of fully implementing the Program, directed SCPRT to create an independent, tax-exempt public benefit corporation, SCNHC, Inc., to lessen the financial burden on state government with respect to the management and implementation of the Program; and

**WHEREAS**, in May 1998, the United States Department of Interior, National Park Service, and the State of South Carolina entered into a cooperative agreement that recognized and established SCPRT as the recipient of the federal funds, responsible for the Program as the Program’s fiscal and administrative agent; and

#### **4 EXECUTIVE ORDERS**

**WHEREAS**, SCNHC, Inc. was established in order to raise non-public funds to be used for the management and implementation of the Program with the goal of creating a self-sustaining Program that would ultimately not require public funding to maintain itself; and

**WHEREAS**, because the Program relied heavily on SCPRT for financial and administrative support, by Executive Order 2008-15, the Governor of the State of South Carolina designated SCPRT as the management entity for the Program; and

**WHEREAS**, in February 2011, the South Carolina Legislative Audit Council (“LAC”), after a thorough review of the Program, recommended, as an alternative to the present structure of the Program, that SCPRT be given full control and management of all operations and aspects of the Program, including evaluating and awarding community grant applications throughout the Corridor; and

**WHEREAS**, by Executive Order 2011-08, the Governor of the State of South Carolina designated SCPRT as the recipient and grantor of the federal grant funds and the agent for all fiscal and administrative responsibilities connected thereto, with full authority to organize, implement and direct the Program as it determines necessary and appropriate; and

**WHEREAS**, in 2012, a Congressionally-mandated federal evaluation of the SCNHC was performed and found that “the South Carolina National Heritage Corridor non-profit organization...has fulfilled its legislated purposes and goals outlined in the management plan through the federal resources provided;” and

**WHEREAS**, independent financial audits have been conducted and submitted to the LAC for review, and in June 2014, the LAC has now recommended that the SCNHC be given full autonomy of its operations and programs; and

**WHEREAS**, federal grantor agencies also find the SCNHC has administered the grants “with great diligence, and have proven themselves prudent and prompt with all financial reporting requirements” and the Director of SCPRT, the existing management entity, expresses his support for the LAC’s recommendation to give SCNHC full autonomy which “will better adhere to the original intent and purpose of the heritage areas program and will, ultimately, maximize the potential benefits we can achieve through a collaborative and equal partnership.”

**NOW, THEREFORE**, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and the United States, I hereby release the South Carolina Department of Parks, Recreation and Tourism from any further responsibilities related to the management of the South Carolina National Heritage Corridor, Inc. and recognize the South Carolina National Heritage Corridor as a fully independent, autonomous public benefit corporation to be managed, advised, and operated under the South Carolina National Heritage Corridor Board and in cooperation with the National Park Service.

This Order shall take effect immediately and supersedes Executive Orders 2008-15 and 2011-08, which are hereby, canceled, rescinded, and from this date declared null and void.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 28<sup>th</sup> DAY OF JULY, 2014.**

**NIKKI R. HALEY**  
**Governor**

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

## NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication August 22, 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 Donna C. Hill, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-4200.

Affecting Aiken County

Establishment of a Home Health Agency restricted to serve Aiken County  
Midlands Home Health, LLC  
Aiken, South Carolina

Project Cost: \$3,813.25

Establishment of a Home Health Agency restricted to serve Aiken County  
United Home Care, Inc.  
Aiken, South Carolina

Project Cost: \$9,790

Affecting Charleston County

Purchase of a 3.0T MRI unit to be utilized within a new 3,290sf imaging center  
Palmetto Primary Care Diagnostic Imaging Center  
Summerville, South Carolina

Project cost: \$4,155,069

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from August 22, 2014. "Affected persons" have 30 days from the above date to submit requests for a public hearing to 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

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

#### NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document No. 4462

The Department of Health and Environmental Control published a Notice of Proposed Regulation identified as Document 4462 in the S.C. State Register on May 23, 2013, to amend Regulation 61-63, *Radioactive Materials (Title A)*. Document No. 4462 contained therein the text of the proposed regulations and notice of opportunity for public comment for interested persons to submit written comments on the proposed regulations during a public comment period that closed June 23, 2014, and/or to attend a public hearing scheduled before the Board of Health and Environmental Control on August 7, 2014.

This notice is to advise the public and interested parties that the public hearing scheduled before the Department's Board for August 7, 2014, has been canceled and rescheduled for October 9, 2014. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. 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 hours in advance of the meeting at the following address: at <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Information on the public hearing can be obtained by calling the Clerk of the Board at (803) 898-3350.

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 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.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

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

#### MARGINAL NONATTAINMENT AREA SIP FOR THE YORK COUNTY PORTION OF THE CHARLOTTE-ROCK HILL NC-SC 8-HOUR OZONE NONATTAINMENT AREA

Statutory Authority: The Clean Air Act, 42 U.S.C. Section 7401 et seq.; 42 U.S.C. Sections 7407 & 7410; 40 C.F.R. Parts 51.102 and 81.241; S.C. Code Ann. Section 48-1-10 et seq. (2008 & Supp. 2013)

#### Synopsis:

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

On April 30, 2012 (77 FR 30088), the Environmental Protection Agency ("EPA") issued final area designations for the 2008 Ozone NAAQS, 40 C.F.R. 81.341. At that time, all of South Carolina was classified

as unclassifiable/attainment with the exception of a portion of York County. Although the monitor in York County was meeting and continues to meet the standard, EPA included the eastern, urbanized area of York County in the Charlotte-Rock Hill, NC-SC nonattainment area (“York NAA”) because of EPA’s belief that emissions in that area contributed to violations at monitors in the Charlotte area. This is the same portion of York County that was designated in 2004 as nonattainment for the 1997 ozone standard, with the exception of the Catawba Indian Nation Reservation. The York NAA was designated marginal for the 2008 ozone NAAQS (77 FR 30144) and South Carolina has already implemented Clean Air Act, Section 182(a), NAA requirements in the area due to the 1997 moderate designation.

The Department published a Notice of General Public Interest which included an announcement of a 30-day comment period and opportunity to request a public hearing in the *State Register* on May 23, 2014. A prehearing package was submitted to the EPA on May 30, 2014. The public comment period closed on June 23, 2014. No comments, written or oral, were received from the public, and there were no requests for a public hearing. In accordance with 40 CFR 51.102, the public hearing was therefore canceled. The EPA did submit comments and the Department has addressed those in its final SIP package.

These submittals and further information is available via the Department’s website at <http://www.dhec.sc.gov/HomeAndEnvironment/Air/MostCommonPollutants/Ozone/StateImplementationPlan/>

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

### NOTICE OF GENERAL PUBLIC INTEREST

Termination of State Register Document 4463

August 22, 2014

The Department of Health and Environmental Control published a Notice of Proposed Regulation identified as Document No. 4463 in the *State Register* on May 23, 2014 to amend R.61-91, *Standards for Licensing Ambulatory Surgical Facilities*.

This notice of August 22, 2014, hereby terminates the promulgation process for Document 4463.

A new Notice of Proposed Regulation for amendment of R.61-91 will be published under a separate document number in the *State Register* on August 22, 2014. Public comments that were received from the proposed regulations of Document 4463 have been considered by the Department in formulating the revised Notice of Proposed Regulation.

## 8 NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### ERRATA

August 22, 2014

On June 27, 2014, the Department of Health and Environmental Control published a Notice of Proposed Regulation identified as Document No. 4465 in the *State Register* to amend Regulation 61-62, *Air Pollution Control Regulations and Standards*. One of the amendments of Document No. 4465 was to amend the table at 40 CFR 63, Subpart A to add four new federal regulations by incorporating them by reference into this table as was explained in the Discussion of Proposed Amendments; no other changes were proposed.

However, in preparing the amended table at 40 CFR 63 subpart A, staff inadvertently omitted four regulations that had been incorporated by reference by previous amendments. These are:

- Vol. 76 February 17, 2011 [76 FR 9450]
- Vol. 77 February 16, 2012 [77 FR 9304]
- Vol. 77 April 17, 2012 [77 FR 22848]
- Vol. 77 September 11, 2012 [77 FR 55698]

The table at Regulation 61-62.63, Subpart A provides a history of amendments of 40 CFR 63 for informational purposes only. The historical references have no substantive legal effect, as all entities must comply with the most current version of 40 CFR 63. The Department's omission of these historical references was exclusively an oversight and is hereby corrected by publication of this errata in the *State Register* on August 22, 2014. Specifically, the proposed amendment at the table of 40 CFR 63, Subpart A in Document No. 4365 is corrected to re-insert the omitted references to read:

#### **Regulation 61-62.63, Subpart A, shall be revised as follows:**

The provisions of Title 40 CFR Part 63, Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]

<b>40 CFR Part 63 Subpart A</b>			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 68	May 6, 2003	[68 FR 23898]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 71	February 16, 2006	[71 FR 8342]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 72	October 29, 2007	[72 FR 61060]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 72	December 26, 2007	[72 FR 73180]
Revision	Vol. 72	December 28, 2007	[72 FR 74088]
Revision	Vol. 73	January 2, 2008	[73 FR 226]
Revision	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	January 10, 2008	[73 FR 1916]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	February 7, 2008	[73 FR 7210]
Revision	Vol. 73	March 7, 2008	[73 FR 12275]
Revision	Vol. 73	July 23, 2008	[73 FR 42978]



## 10 NOTICES

<b>40 CFR Part 63 Subpart A</b>			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	June 25, 2009	[74 FR 30366]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	February 17, 2011	[76 FR 9450]
Revision	Vol. 77	February 16, 2012	[76 FR 9304]
Revision	Vol. 77	April 17, 2012	[77 FR 22848]
Revision	Vol. 77	September 11, 2012	[77 FR 55698]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 78	February 1, 2013	[78 FR 7488]
Revision	Vol. 78	June 20, 2013	[78 FR 37133]

**OFFICE OF THE ATTORNEY GENERAL**

**CHAPTER 13**

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

**Notice of Drafting:**

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. Interested persons may submit comments to J. Louis Cote III, Assistant Attorney General, Office of the S.C. Attorney General, Securities Division, P.O. Box 11549, Columbia, SC 29211-1549. To be considered, comments must be received no later than 5:00 p.m. on September 22, 2014, the close of the drafting comment period.

**Synopsis:**

The Office of the Attorney General proposes to update, clarify, and promulgate regulations to reflect developments in securities regulation since 2005.

Legislative review of the proposed regulations will be required.

**CLEMSON UNIVERSITY**

**STATE LIVESTOCK-POULTRY HEALTH COMMISSION**

**CHAPTER 27**

Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

**Notice of Drafting:**

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

Interested parties should submit written comments to Dr. Clyde B. Hoskins, Director, State Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, S. C. 29224-2406. To be considered comments should be received no later than September 24, 2014, the close of the drafting comment period.

**Synopsis:**

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

This regulation will not require legislative action.

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**CLEMSON UNIVERSITY  
STATE LIVESTOCK-POULTRY HEALTH COMMISSION  
CHAPTER 27**

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

### **Notice of Drafting:**

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

Interested parties should submit written comments to Dr. Clyde B. Hoskins, Director, State Meat-Poultry Inspection Department, P.O. Box 102406, Columbia, S.C. 29224-2406. To be considered comments should be received no later than September 24, 2014, the close of the drafting comment period.

### **Synopsis:**

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

This regulation will not require legislative action.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY  
CHAPTER 37**

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

### **Notice of Drafting:**

The South Carolina Criminal Justice Academy proposes to draft a regulation that address law enforcement officer training and certification, specifically with regard to adjudication of misconduct allegations. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on September 22, 2014, the close of the drafting comment period.

### **Synopsis:**

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.

Legislative review of this proposal will be required.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY**  
**CHAPTER 37**

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

**Notice of Drafting:**

The South Carolina Criminal Justice Academy proposes to draft a regulation that addresses automatic suspension of a law enforcement officer's certification when the officer is charged and/or indicted for a crime that, if the charge and/or indictment results 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. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on September 22, 2014, the close of the drafting comment period.

**Synopsis:**

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 a regulation to address these situations is necessary.

Legislative review of this proposal will be required.

**STATE BOARD OF EDUCATION**  
**CHAPTER 43**

Statutory Authority: 1976 Code Sections 59-5-60(1), (3), and (6) (2004), 59-39-100 (Supp. 2013), and  
 20 U.S.C. 6301 et seq. (2002)

**Notice of Drafting:**

The State Board of Education proposes to amend State Board of Education Regulation 43-259, Adult Education. Interested persons may submit comments to David B. Stout, Director of the Office of Adult Education, Division of Accountability, State Department of Education, 1429 Senate Street, Rutledge Building, Room 908, Columbia, South Carolina 29201 or by e-mail to [dstout@ed.sc.gov](mailto:dstout@ed.sc.gov). To be considered, all comments must be received no later than 5:00 P.M., September 22, 2014.

**Synopsis:**

All references to the high school exit examination or state exit exam as a requirement for graduation will be removed.

Legislative review is required.

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### 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), and 59-20-60 (Supp. 2013)

#### Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-262, Assessment Program. Interested persons may submit their comments in writing 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](mailto:ejones@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on September 22, 2014.

#### Synopsis:

Regulation 43-262, Assessment Program. This regulation delineates the Statewide Assessment Program. Proposed amendments to the regulation include the following.

1. Merging Regulation 43-260 and Regulation 43-262.4 into Regulation 43-262 so that the regulations governing assessments are in one regulation.
2. Removing references to an exit examination in compliance with Acts 155 and 200.
3. Removing duplicative language about the National Assessment of Educational Progress (NAEP).

Legislative review of this proposal will be required.

### 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)

#### Notice of Drafting:

The South Carolina Board of Education proposes to repeal Regulation 43-262.4, End-of-Course Tests. Interested persons may submit their comments in writing 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](mailto:ejones@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on September 22, 2014.

#### Synopsis:

Regulation 43-262.4, End-of-Course Tests. This regulation is to be merged with Regulation 43-262, Assessment Program.

Legislative review of this proposal will be required.

**STATE BOARD OF EDUCATION**

## CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004) and 59-5-65 (2004 and Supp. 2013)

**Notice of Drafting:**

The South Carolina Board of Education proposes to amend Regulation 43-57.5, Military Experience.

Interested persons may submit their comments in writing to Dr. Cindy Van Buren, Deputy Superintendent, Division of School Effectiveness, 1429 Senate Street, Room 606, Columbia, South Carolina 29201 or by e-mail to [cvburen@ed.sc.gov](mailto:cvburen@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on September 22, 2014.

**Synopsis:**

State Board of Education Regulation 43-57.5 governs the requirements for granting educator experience credit for military service. Amendments to Regulation 43-57.5 will (1) align the number of years of educator experience that can be granted for military service with the number of years of military experience credit allowable by the South Carolina Retirement System and (2) will remove the requirement that the educator license must have been valid before or during the time of military service. Educators with military experience as documented with the DD214 will be eligible for no more than six years of educator experience for military service completed before, during, or after earning a South Carolina teaching certificate. The purpose of these amendments is to encourage individuals with military experience to pursue teacher certification and to recognize that their military service contributes significantly to their work with students.

Legislative review is required.

**STATE BOARD OF EDUCATION**

## CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-5-65 (2004 and Supp. 2013), 59-10-310 et seq. (Supp. 2013), 42 U.S.C. Section 1758(f), 7 C.F.R. Section 210.10, and 7 C.F.R. Section 220.8

**Notice of Drafting:**

The South Carolina Board of Education proposes to amend the Student Health and Fitness Act Regulation 43-168: Nutrition Standards for Elementary Schools (K-5) School Food Service Meals and Competitive Foods to include K-12 requirements for Competitive Foods and guidelines for Exempt Fundraisers in South Carolina schools.

Interested persons may submit their comments in writing to Dr. Juanita Bowens-Seabrook, Department of Education, Office of Nutrition Programs, 1429 Senate Street, Room 703-C, Columbia, SC 29201 or by e-mail to [JBowens@ed.sc.gov](mailto:JBowens@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on September 22, 2014.

**Synopsis:**

The Board proposes to amend R.43-168, Nutrition Standards for Elementary Schools (K-5) School Food Service Meals and Competitive Foods to provide standards for Competitive Foods sold to children in schools. Federal law-specifically, the National School Lunch Act (42 U.S.C. Section 1758 (f)), the National School Lunch Program (7 CFR Section 210.10), and the School Breakfast Program (7 CFR Section 220.8)), regulates the nutritional quality of foods served in the nation's school meal programs. The Healthy Hunger Free Act

## 16 DRAFTING NOTICES

(HHFKA) of 2010 redefined nutrition standards called, “Smart Snacks” for all foods sold in school. HHFKA allows provision for State agency to develop guidance that governs exempt fundraisers. The proposed regulation will define the number of exempt fundraisers (fundraisers that do not meet the Smart Snacks nutrition guidelines) per school annually

The proposed regulation will not require legislative review.

### STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004) and 59-40-10 et seq. (2004 and Supp. 2013)

#### Notice of Drafting:

The South Carolina Board of Education proposes to amend the Regulation 43-601, Procedures and Standards for Review of Charter School Applications. Interested persons may submit their comments in writing to Donna Manning, Education Associate, Office of School Transformation, Division of School Effectiveness, 1429 Senate Street, Room 605-B, Columbia, SC 29201 or by e-mail to [charterschools@ed.sc.gov](mailto:charterschools@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on September 22, 2014.

#### Synopsis:

The Board is proposing to amend Regulation 43-601 to reflect recent changes to the South Carolina Charter Schools Act of 1996 which eliminated the Charter School Advisory Committee, states the South Carolina Department of Education shall provide guidance on compliance to both sponsors and applicants, provides for standards to be available for a school board of trustees or area commission to follow when considering the denial of an application, and to make other editorial or necessary corrections.

Legislative review is required.

### STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-24-30 (2004), and 59-24-40 (2004)

#### Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-165.1, Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP). Interested persons may submit their comments in writing to Stephen Driscoll, Education Associate, Office of School Leadership, 8301 Parklane Road, Columbia, South Carolina, 29223 or by e-mail to [sdriscoll@ed.sc.gov](mailto:sdriscoll@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on September 22, 2014.

#### Synopsis:

Regulation 43-165.1 defines the performance standards and criteria for assisting, developing, and evaluating principals in South Carolina. Regulation 43-165.1 also defines the rating scale for determining levels of effectiveness regarding a principal's performance.

The amendments will change the rating levels from three to five and add a tenth standard to the present nine standards. The tenth standard will be a Value-added standard which will comprise a portion of the principal's overall evaluation, not to exceed fifty percent of the total evaluation.

Legislative review is required.

**STATE BOARD OF EDUCATION**

**CHAPTER 43**

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-1-445 (2004), 59-1-447 (2004), and 59-18-310(B) (to be codified at Supp. 2014)

**Notice of Drafting:**

The South Carolina Board of Education proposes to amend Regulation 43-100, Test Security. Interested persons may submit their comments in writing 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](mailto:ejones@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on September 22, 2014.

**Synopsis:**

Regulation 43-100, Test Security. This regulation defines test security violations. Proposed amendments to the regulation remove references to district purchases of commercial assessments that are the same as state assessments. The state no longer purchases commercial assessments that are available for districts to purchase.

Amendments also remove the inclusion of teacher certification examinations, examinations for admission to teacher certification programs, and the High School Equivalency Program test (GED) as these tests are commercially developed and include security measures.

Additional amendments include updates to the list of activities that are considered a breach of professional ethics.

Legislative review of this proposal will be required.

**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)

**Notice of Drafting:**

The South Carolina Board of Education proposes to repeal Regulation 43-260, Use and Dissemination of Test Results. Interested persons may submit their comments in writing 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](mailto:ejones@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on September 22, 2014.



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### Synopsis:

Regulation 43-260, Use and Dissemination of Test Results. This regulation is to be merged with Regulation 43-262, Assessment Program.

Legislative review of this proposal will be required.

### DEPARTMENT OF EMPLOYMENT AND WORKFORCE

#### CHAPTER 47

Statutory Authority: 1976 Code Section 41-29-110

### Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes to amend Regulation 47-23. Interested parties may submit written comments to Jean Cecil Frick, Director of Governmental Affairs and Special Projects, South Carolina Department of Employment and Workforce, 1550 Gadsden Street, Post Office Box 995, Columbia, South Carolina 29202 or to [RegulationComments@dew.sc.gov](mailto:RegulationComments@dew.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on September 8, 2014, the close of the drafting comment period.

### Synopsis:

The Department is proposing to amend Regulation 47-23 to clarify what is considered available suitable work.

Legislative review of this amendment is required.

### DEPARTMENT OF EMPLOYMENT AND WORKFORCE

#### CHAPTER 47

Statutory Authority: 1976 Code Section 41-29-110

### Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes to add Article 5, Unemployment Trust Fund. Interested parties may submit written comments to Jean Cecil Frick, Director of Governmental Affairs and Special Projects, South Carolina Department of Employment and Workforce, 1550 Gadsden Street, Post Office Box 995, Columbia, South Carolina 29202 or to [RegulationComments@dew.sc.gov](mailto:RegulationComments@dew.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on September 8, 2014, the close of the drafting comment period.

### Synopsis:

Pursuant to South Carolina Code Ann. § 41-31-45(C), the South Carolina Department of Employment and Workforce “must promulgate regulations concerning the income needed to pay benefits in each year and return the trust fund to an adequate level” after the fund returns to solvency.

The proposed regulations will address how the Department will determine income needed to pay unemployment insurance benefits in each year and return the unemployment insurance trust fund to the fund adequacy target, as defined by South Carolina Ann. § 41-31-45(A)(5).

Legislative review of these amendments is required.

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

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

**Notice of Drafting:**

The South Carolina Department of Health and Environmental Control (Department) proposes to amend S.C. Regulation 61-7, *Emergency Medical Services*. This Notice of Drafting of August 22, 2014, replaces and supersedes the Notice of Drafting published in the State Register on March 28, 2014. Interested persons are invited to submit their views and recommendations in writing to Robert Wronski, EMS Director, DHEC Division of EMS and Trauma, 2600 Bull Street, Columbia, South Carolina 29201, or by email at wronskra@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on September 22, 2014, the close of the drafting comment period. Comments received from the Notice of Drafting published in the State Register on March 28, 2014, as well as from this current noticing of August 22, 2014, will be considered.

**Synopsis:**

The Department proposes to amend R.61-7 to incorporate changes in the state Emergency Medical Services Act, 1976 Code Section 44-61-10, et. seq. Specifically, the amendments may incorporate updated statutory requirements for EMT certification and training; amend the vehicle equipment list; define Quick Response Vehicles; modify the ground ambulance requirement to reflect the latest standards, including temperature control; change the air ambulance requirements to reflect the latest statutory amendments; change manning requirements for specific situations; clarification on licensure levels; revamp the fines and penalty structures within the regulations; modify names of certain response agencies; and amend other licensure requirements. The Department may also include stylistic changes, including corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

Legislative review is required.

**DEPARTMENT OF INSURANCE**  
**CHAPTER 69**

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 and 38-21-300

**Notice of Drafting:**

The South Carolina Department of Insurance proposes to amend Regulation 69-14, Insurance Holding Company Systems. Interested persons should submit their comments in writing to: Leslie M. Jones, Deputy Director, Actuarial Services, South Carolina Department of Insurance, 145 King Street, Suite 228, Charleston, South Carolina 29401. To be considered, comments must be received no later than 5:00 p.m. on September 10, 2014, the close of the drafting comment period.

**Synopsis:**

The South Carolina Department of Insurance proposes to amend Regulation 69-14, Insurance Holding Company Systems. The amendments to the Insurance Holding Company Systems Regulation primarily relate to supervisory colleges and the Form F (Enterprise Risk Report) filing. The proposed Form F filing requirement does not have a premium threshold. All insurers that are in a holding company system will be required to file a Form F.

In December of 2010, the National Association of Insurance Commissioners (NAIC) adopted revisions to the *NAIC Insurance Holding Company System Model Regulation (#450)* to incorporate provisions related to supervisory colleges and the Form F (Enterprise Risk Report). Other less substantial revisions were also made.

## **20 DRAFTING NOTICES**

The proposed amendments to Regulation 69-14 will be based upon these revisions to NAIC Model #450. The revisions are a required accreditation standard must be effective no later than January 1, 2016.

The proposed amendments to the regulation will require legislative review.

Document No. 4471  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
 CHAPTER 61  
 Statutory Authority: 1976 Code Section 44-7-260

61-91. Standards for Licensing Ambulatory Surgical Facilities

**Preamble:**

Regulation 61-91 was last substantively amended on June 27, 2003. The purpose of the regulation is to provide a set of minimum licensing standards for ambulatory surgical facilities to provide for the health and safety of patients. An ambulatory surgery facility is defined as a facility organized and administered for the purpose of performing surgical procedures and/or endoscopy for which patients are scheduled to arrive, receive surgery, and be discharged on the same day. The DHEC Board granted staff initial approval on May 8, 2014, to public notice the proposed regulations, and a Notice of Proposed Regulations, containing the text and notice of opportunity for public comment, was published in the *S.C. State Register* on May 23, 2014 as Document No. 4463. The Department has elected to terminate the proposed regulations as published in *S.C. State Register* Document No. 4463; as such the public hearing scheduled before the DHEC Board on July 10, 2014, was canceled. A new Document Number will be assigned to the resubmitted NPR when published in the *S.C. State Register*. The proposed amendments herein include the efforts of the Department’s Bureau of Health Facilities Licensing to incorporate current construction requirements and overall improvements to the text of the regulation.

A Notice of Drafting was published in the *State Register* on March 28, 2014.

Section-by-Section Discussion of Proposed Amendments

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

TABLE OF CONTENTS

The table was revised to reflect the proposed amendments.

61-91.101 Definitions

The definitions 61-91.101.I, Certified Nursing Assistant and 61-91.101.VV, Surgical Technologist have been added. The definitions 61-91.101.B, Administration Medication, 61-91.101.E, Ambulatory Surgical Facility, 61-91.101.L (formally 61-91.101.K), Consultation, 61-91.101.S, Inspection, 61-91.101.T, Investigation, 61-91.101.X, License, and 61-91.101.DD, Nonlegend Medication have been amended. The definition 61-91.101.N, Direct Care Staff Member has been deleted. The remaining definitions were renumbered to adjust the codification.

61-91.102 References

Section 61-91.102.B was amended to delete a reference that is no longer applicable.

61-91.103 Licensure Requirements

Section 61-91.103.A was amended to ensure a license is required to provide care, treatment, procedures, surgery, and/or services to patients. 61-91.103.C was amended to allow an already licensed facility is in compliance with construction codes. Section 61-91.103.D was deleted to ease the economic burden of code requirements for an established ambulatory surgical facility. Section 61-91.103.H was amended to inform the licensee they may be charged for an inspection fee. Section 61-91.103.L.3 (formally 61-91.103.M.3) was amended to reflect the adjusted codification. The remaining sections were renumbered to adjust the codification.

## 22 PROPOSED REGULATIONS

### 61-91.202 Inspections/Investigations

Section 61-91.202.A was amended to add two (2) more associations as deemed status to determine the appropriateness of Department inspections.

### 61-91.501 Staff

Sections 61-91.501.A and 61-91.501.B were amended to clarify staffing requirements.

### 61-91.508 Health Status

Section 61-91.508.A was amended to a correct reference. Section 61-91.508.B was amended to add a new reference.

### 61-91.601 Accidents/Incidents

Section 61-91.601.A and 61-91.601.B were amended to the current standards of accident/incident reporting.

### 61-91.602 Fire/Disasters

Sections 61-91.602.A and 61-91.602.B were amended to clarify reporting a fire to the Department within seventy-two hours. Section 61-91.602.C was added to clarify the fire watch requirement.

### 61-91.604 Administrator Change

Section 61-91.604 was amended regarding references to the “Division of Health Licensing” changed to “The Department.”

### 61-91.607 Facility Closure

Section 61-91.607.A and 61-91.607.B were amended regarding references to the “Division of Health Licensing” changed to “The Department.”

### 61-91.608 Zero Census

Section 61-91.608 was amended to clarify application and payment requirements even though a facility may have zero census.

### 61-91.702 Authentication

Section 61-91.702 was amended to clarify authentication requirements.

### 61-91.703 Record Maintenance

Sections 61-91.703.F and 61-91.703.G were amended regarding references to the “Division of Health Licensing” changed to “The Department.”

### 61-91.803 Surgical Services

Section 61-91.803.A was amended to clarify surgical services requirements.

### 61-91.901 General (Rights and Assurances)

Section 61-91.901.C was amended regarding references to the “Division of Health Licensing” changed to “The Department.”

### 61-91.1000 Medication Management

Section 61-91.1001.D.5 was amended regarding references to the “Division of Health Licensing” changed to “The Department.”

### 61-91.1006 Medication Storage

Section 61-91.1006.C was amended to correct a spelling error. Sections 61-91.1006.E and 61-91.1006.F were amended regarding references to the “Division of Health Licensing” changed to “The Department.”

61-91.1007 Disposition of Medication

Section 61-91.1007.A.2 was amended to include the reference for Controlled Substances. Section 61-91.1007.B was amended regarding references to the “Division of Health Licensing” changed to “The Department.”

61-91.1101 General (Meal Service)

Section 61-91.1101.A was amended regarding references to the “Division of Health Licensing” changed to “The Department.”

61-91.1105 Equipment

Section 61-91.1105.B was amended to clarify the handwash sink requirements.

61-91.1303 Fire Response Training

Section 61-91.1303.A.5 was amended to correct a grammatical error.

61-91.1401 General (Maintenance)

Section 61-91.1401.B was amended to clarify the facility shall keep its component parts in good repair and operating condition and documented.

61-91.1402 Equipment

Section 61-91.1402.B.2 was amended regarding references to the “Division of Health Licensing” changed to “The Department.”

61-91.1403 Preventive Maintenance of Life Support Equipment

Section 61-91.1403.A.3 was amended to correct a grammatical error.

61-91.1505 Tuberculosis Risk Assessment and 61-91.1506 Staff Tuberculosis Screening

Sections 61-91.1505 and 61-91.1506 were amended to current Tuberculosis screening standards. The remaining sections were renumbered to adjust the codification.

61-91.1702 Local and State Codes and Standards

Sections 61-91.1702.B and 61-91.1702.C were deleted.

61-91.1703 Applicable Code Editions

Section 61-91.1703.A was amended to clarify the applicable construction codes with the South Carolina Building Codes Council and the South Carolina State Fire Marshal. Section 61-91.1703.B was amended to clarify compliance with construction codes. Sections 61-91.1703.C and 61-91.1703.D were deleted. The remaining section was renumbered to adjust the codification.

61-91.1704 Submission of Plans and Specifications

Section 61-91.1704 was amended to clarify the requirements for submitting plans and specifications to the Department for review.

61-91.1705 Construction Inspections

Section 61-91.1705 was added to clarify the that required permits are necessary in order for the Department to conduct inspections.

61-91.1800 General Construction Requirements

Section 61-91.1800 was deleted in its entirety as this section is addressed in the revised required codes in Section 61-91.1700.

## 24 PROPOSED REGULATIONS

### 61-91.1900 Hazardous Elements of Construction

Section 61-91.1900 was deleted in its entirety as this section is addressed in the revised required codes in Section 61-91.1700.

### 61-91.2000 Exits

Section 61-91.2000 was deleted in its entirety as this section is addressed in the revised required codes in Section 61-91.1700.

### 61-91.1800 (formally Section 61-91.2100) Fire Protection Equipment and Systems

Section 61-91.2100 was renumbered to Section 61-91.1800 to adjust codifications. Sections 61-91.2101 Firefighting Equipment, 61-91.2103 Smoke Detectors, and 61-91.2104 Flammable Liquids were deleted as these sections are addressed in the revised required codes in Section 61-91.1700.

### 61-91.1801 (formally Section 61-91.2102) Fire Alarms

Sections 61-91.1801.A, 61-91.1801.B, and 61-91.1801.C were amended for clarity regarding the required fire alarm codes. Sections 61-91.1801.D, 61-91.1801.E, 61-91.1801.F, 61-91.1801.G, and 61-91.1801.H were deleted as these sections are addressed in the revised required codes in Section 61-91.1700.

### 61-91.1802 (formally Section 61-91.2105) Gases

Sections 61-91.1802.A and 61-91.1802.B were deleted as these sections are addressed in the revised required codes in Section 61-91.1700. Section 61-91.1802.C was renumbered to adjust for codification.

### 61-91.2200 Water Supply/Hygiene

Section 61-91.2200 was deleted in its entirety as these sections are addressed in the revised required codes in Section 61-91.1700, with the exception of 61-91.2203 Temperature as this section was relocated to Section 61-91.2000 (formally 61-91.2500) Physical Plant.

### 61-91.1900 (formally 61-91.2300) Electrical

Section 61-91.2300 was renumbered to Section 61-91.1900 to adjust codifications. Sections 61-91.2301 General, 61-91.2304 Receptacles, 61-91.2305 Ground Fault Protection, and 61-91.2306 Exit Signs were deleted as these sections are addressed in the revised required codes Section 61-91.1700. Sections 61-91.2302 Panelboards and 61-91.2303 Lighting were deleted as these sections are relocated in Section 61-91.2000 (formally 61-91.2500) Physical Plant. Section 61-91.1901 Emergency Generator Service was renumbered to adjust codifications and renamed from Emergency Electric Service. Section 61-91.1901 was amended to clarify the requirements for Emergency Generator Service.

### 61-91.2400 Heating, Ventilation, and Air Conditioning (HVAC)

Section 61-91.2400 was deleted in its entirety as this section is addressed in the revised required codes in Section 61-91.1700, with the exception of 61-91.2402 Heating, Ventilation, and Air Conditioning as this section was relocated to Section 61-91.2000 (formally 61-91.2500) Physical Plant.

### 61-91.2000 (formally 61-91.2500) Physical Plant

Section 61-91.2500 was renumbered to Section 61-91.2000 to adjust codifications. Sections 61-91.2501 Administrative Areas, 61-91.2503 Clinical Facilities, 61-91.2504 Doors, 61-91.2506 Ramps, 61-91.2507 Landings, and 61-91.2510 Sinks and Handwashing Fixtures were deleted as these sections are addressed in the revised required codes Section 61-91.1700. Sections 61-91.2002 Soiled Utility Rooms, 61-91.2003 Clean Utility Rooms, 61-91.2012 Incinerators, 61-91.2013 Furnishings/Equipment, 61-91.2014 Water Requirements, 61-91.2015 Panelboards, 61-91.2016 Lighting, and 61-91.2017 Heating, Ventilation, and Air Conditioning were relocated to their respective sections from a previous area in the regulation. Sections 61-91.2001 (formally 61-91.2502) Surgical Suites, 61-91.2004 (formally 61-91.2505) Corridors, 61-91.2005 (formally 61-91.2508) Handrails/Guardrails, 61-91.2006 (formally 61-91.2509) Restrooms, 61-91.2007 (formally 61-91.2511) Janitor's Closets, 61-91.2008 (formally 61-91.2512) Storage Areas, and 61-91.2009 (formally

61-91.2513) were amended to clarify the requirements for their respective areas. The remaining sections were renumbered to adjust the codification.

61-91.2100 (formally 61-91.2600) Severability

Section 61-91.2600 was renumbered to Section 61-91.2100 to adjust codifications.

61-91.2200 (formally 61-91.2700) General

Section 61-91.2700 was renumbered to Section 61-91.2200 to adjust codifications.

**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 October 9, 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, 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 Gwen C. Thompson, South Carolina DHEC, 2600 Bull St., Columbia, South Carolina 29201 or by email to [thompsgw@dhec.sc.gov](mailto:thompsgw@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on September 22, 2014, the close of the public comment period. Written comments received by the September 22, 2014, deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on October 9, 2014, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Ms. Thompson at the above address. Also, 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/RegulationDevelopmentUpdate/> (Click on the *Update*, the Health Facilities & Services category, and scan down for this proposed amendment).

**Preliminary Fiscal Impact Statement:**

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or State government due to any inherent requirements of this regulation. There are no external costs anticipated.

**Statement of Need and Reasonableness:**

The Department's Bureau of Health Facilities Licensing formulated this statement determined by analysis pursuant to 1976 Code Section 1-23-115 C(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R.61-91, *Standards for Licensing Ambulatory Surgical Facilities*.

Purpose: The amendments to R.61-91, *Standards for Licensing Ambulatory Surgical Facilities* will support the Department's goal of promoting and protecting the health of the public in a more efficient and effective



## 26 PROPOSED REGULATIONS

manner. The amendments clarify and expand the definitions, revise the codes for fire and life safety and for design and construction. In addition, corrections have been made for clarity and readability, grammar, references, codification and overall improvement to 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 R.61-91, that includes these amendments, will be available electronically on the Department's website under the Health Regulations Category at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/> and subsequently in the Code of Regulations of the S.C. Code of Laws. 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 PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Department last amended R.61-91 June 27, 2003. 1976 Code Section 1-23-120(J) requires state agencies to perform a review of its regulations every five years and update them if necessary.

Issues found in the review, and the necessity for overall updates renders the proposed amendment needed and reasonable. The proposed amendments support the Department's goal of promoting and protecting the health of the public in a more efficient and effective manner. The amendments clarify and expand the definitions, revise the codes for fire and life safety and for design and construction. In addition, corrections have been made for clarity and readability, grammar, references, codification and overall improvement to the text of the regulation.

### DETERMINATION OF COSTS AND BENEFITS:

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

External Costs: There are no external costs anticipated.

External Benefits: The amendments update standards of licensure, procedures, and construction requirements for ambulatory surgical facilities while maintaining the interests of patient health and safety and lessening provider burdens. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

### UNCERTAINTIES OF ESTIMATES:

None.

### EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of this regulation will not compromise the protection of the environment.

The amendments will reasonably simplify the construction requirements while providing clarification and streamlining standards in the interest of patient care and safety for the ambulatory surgical facilities.

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

Implementation of this regulation will not compromise the protection of the environment.

If the revision is not implemented, unnecessary construction burdens may be experienced by ambulatory surgical facilities. Additionally, facilities would not realize the benefits of the amendments, including improved construction requirements and streamlined the standards in the interest of patient care and safety.

**Statement of Rationale:**

The Department revises this regulation pursuant to the 1976 Code Section 1-23-120(J) requirement that state agencies perform a review of its regulations every five years and update them if necessary. The amendments support the Department's goal of promoting and protecting the health of the public in a more efficient and effective manner. The amendments clarify and expand the definitions, revise the codes for fire and life safety and for design and construction. In addition, corrections have been made for clarity and readability, grammar, references, codification and overall improvement to 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.

## 28 EMERGENCY REGULATIONS

Filed: August 1, 2014 12:30pm

Document No. 4470  
**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.

### **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, expungement, 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).