

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
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.

2020 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	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/24	2/28	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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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>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4848			Contractor's Licensing Board	1/19/20	LLR-Contractor's Licensing Board
4852			Board of Long Term Health Care Administrators	2/03/20	LLR-Board of Long Term Health Care Administrators
4873			Air Pollution Control Regulations and Standards	3/17/20	Department of Health and Envir Control
4876			Electronic Transmissions	4/26/20	Secretary of State
4880			Control of Anthrax	5/13/20	Department of Health and Envir Control
4879			E-Filing and E-Service	5/13/20	Public Service Commission
4904			Procedures for Administrative Hearings before the Securities Commissioner	5/13/20	Office of the Attorney General
4883			Hazardous Waste Management Regulations	5/13/20	Department of Health and Envir Control
4887			Water Classifications and Standards	5/13/20	Department of Health and Envir Control
4885			Classified Waters	5/13/20	Department of Health and Envir Control
4916			Contractor Performance Evaluation	5/13/20	Department of Transportation
4917			Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation	5/13/20	Department of Transportation
4914			General Regulation; and Additional Regulations Applicable to Specific Properties	5/13/20	Department of Natural Resources
4915			Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Date Specific Antlerless Deer Tags, Individual Antlerless Deer Tags, and Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day	5/13/20	Department of Natural Resources
4878			Named Storm or Wind/Hail Deductible	5/13/20	Department of Insurance
4929			Corporate Governance Annual Disclosure Regulation	5/13/20	Department of Insurance
4931			Minimum Standards for the Readability of Commonly Purchased Insurance Policies	5/13/20	Department of Insurance
4932			Pharmacy Benefits Managers	5/13/20	Department of Insurance
4912			Securities	5/13/20	Office of the Attorney General
4884			Indigent Screening Process	5/13/20	Commission on Indigent Defense
4918			Assisting, Developing, and Evaluating Professional Teaching (ADEPT)	5/13/20	State Board of Education
4902			Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products; and Frozen Desserts	5/13/20	Department of Health and Envir Control
4903			Soft Drink and Water Bottling Plants; and Wholesale Commercial Ice Manufacturing	5/13/20	Department of Health and Envir Control
4886			Standards for the Permitting of Agricultural Animal Facilities	5/13/20	Department of Health and Envir Control
4897			Statement of Policy; and Administrative Procedures	5/13/20	Department of Health and Envir Control
4898			Medical and Dental Scholarship Fund	5/13/20	Department of Health and Envir Control
4919			Credential Classification	5/13/20	State Board of Education
4920			Renewal of Credentials	5/13/20	State Board of Education
4900			Licensure for Foster Care	5/13/20	Department of Social Services
4901			Licensure for Foster Care	5/13/20	Department of Social Services
4923			Board of Accountancy	5/13/20	LLR- Board of Accountancy
4921			Continuing Education and Continuing Education Programs	5/13/20	LLR-Board of Cosmetology
4905			Inspection Guidelines	5/13/20	LLR-Board of Funeral Service
4924			Examinations; Requirements for Renewal/Reactivation of Expired or Lapsed Registrations; and Continuing Professional Competency	5/13/20	LLR-Board of Registration for Geologists
4891			Continuing Education	5/13/20	LLR-Board of Landscape Architectural Examiners
4892			Health Services Executive	5/13/20	LLR- Board of Long Term Health Care Administrators
4926			Compounding of Veterinary Drug Preparations	5/13/20	LLR-Board of Pharmacy
4889			Board of Chiropractic Examiners	5/13/20	LLR-Board of Chiropractic Examiners
4922			Fee Schedules	5/13/20	LLR
4927			Facility Permit Classifications	5/13/20	LLR-Board of Pharmacy
4925			Apprenticeships	5/13/20	LLR-Board of Examiners in Opticianry
4890			Laboratory Work Authorization Form; Sanitary Standards; and Ethics	5/13/20	LLR-Board of Dentistry
4893			Recording and Reporting Occupational Injuries and Illnesses	5/13/20	LLR-OSHA
4934			Check Cashing	5/13/20	State Board of Financial Institutions – Consumer Finance Division
4894			Consolidated Procurement Code	5/13/20	State Fiscal Accountability Authority
4937			International Building Code	5/13/20	LLR-Building Codes Council

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4938	International Fire Code	5/13/20	LLR-Building Codes Council
4939	International Fuel Gas Code	5/13/20	LLR-Building Codes Council
4940	International Mechanical Code	5/13/20	LLR-Building Codes Council
4941	International Residential Code	5/13/20	LLR-Building Codes Council
4942	National Electrical Code	5/13/20	LLR-Building Codes Council
4953	Standards for Licensing Renal Dialysis Facilities	5/13/20	Department of Health and Envir Control
4935	Licensing Criteria	5/13/20	Commission on Higher Education
4954	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	5/13/20	Department of Health and Envir Control
Committee Request Withdrawal			
4843	Board of Physical Therapy Examiners	Tolled	LLR
4861	Consolidated Procurement Code	Tolled	State Fiscal Accountability Authority

COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4848	Contractor's Licensing Board		Regulations and Admin. Procedures Labor, Commerce and Industry
4852	Board of Long Term Health Care Administrators		Regulations and Admin. Procedures Medical Affairs
4873	Air Pollution Control Regulations and Standards		Regulations and Admin. Procedures Medical Affairs
4876	Electronic Transmissions		Regulations and Admin. Procedures Judiciary
4880	Control of Anthrax		
4879	E-Filing and E-Service		
4904	Procedures for Administrative Hearings before the Securities Commissioner		
4883	Hazardous Waste Management Regulations		
4887	Water Classifications and Standards		
4885	Classified Waters		
4916	Contractor Performance Evaluation		
4917	Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation		
4914	General Regulation; and Additional Regulations Applicable to Specific Properties		
4915	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Date Specific Antlerless Deer Tags, Individual Antlerless Deer Tags, and Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day		
4878	Named Storm or Wind/Hail Deductible		
4929	Corporate Governance Annual Disclosure Regulation		
4931	Minimum Standards for the Readability of Commonly Purchased Insurance Policies		
4932	Pharmacy Benefits Managers		
4912	Securities		
4884	Indigent Screening Process		
4918	Assisting, Developing, and Evaluating Professional Teaching (ADEPT)		
4902	Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products; and Frozen Desserts		
4903	Soft Drink and Water Bottling Plants; and Wholesale Commercial Ice Manufacturing		
4886	Standards for the Permitting of Agricultural Animal Facilities		
4897	Statement of Policy; and Administrative Procedures		
4898	Medical and Dental Scholarship Fund		
4919	Credential Classification		
4920	Renewal of Credentials		
4900	Licensure for Foster Care		
4901	Licensure for Foster Care		
4923	Board of Accountancy		
4921	Continuing Education and Continuing Education Programs		
4905	Inspection Guidelines		
4924	Examinations; Requirements for Renewal/Reactivation of Expired or Lapsed Registrations; and Continuing Professional Competency		
4891	Continuing Education		
4892	Health Services Executive		
4926	Compounding of Veterinary Drug Preparations		
4889	Board of Chiropractic Examiners		
4922	Fee Schedules		
4927	Facility Permit Classifications		
4925	Apprenticeships		
4890	Laboratory Work Authorization Form; Sanitary Standards; and Ethics		
4893	Recording and Reporting Occupational Injuries and Illnesses		
4934	Check Cashing		
4894	Consolidated Procurement Code		
4937	International Building Code		
4938	International Fire Code		
4939	International Fuel Gas Code		
4940	International Mechanical Code		
4941	International Residential Code		
4942	National Electrical Code		
4953	Standards for Licensing Renal Dialysis Facilities		
4935	Licensing Criteria		
4954	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence		

4 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Committee Request Withdrawal

4843 Board of Physical Therapy Examiners
4861 Consolidated Procurement Code

Regulations and Admin. Procedures Medical Affairs
Regulations and Admin. Procedures Finance

Executive Order No. 2019-39

WHEREAS, the State of South Carolina is experiencing historic economic growth, and continued prosperity requires that businesses have access to a pipeline of prospective employees who are educated, trained, and ready to work; and

WHEREAS, employment and education are the most direct and efficient means to equip and empower individuals to both achieve and enhance social and economic independence and standing, which are associated with improved health outcomes for individuals and families; and

WHEREAS, numerous state and federal public assistance programs currently provide support to individuals seeking education and employment, including Unemployment Insurance (“UI”), Supplemental Nutrition Assistance Program (“SNAP”), Vocational Rehabilitation, and Medicaid benefits for qualified working disabled individuals; and

WHEREAS, individuals attaining employment after incarceration are less likely to reoffend than those who remain unemployed following release; and

WHEREAS, in 2018, the United States Department of Health and Human Services (“USDHHS”), Centers for Medicare and Medicaid Services (“CMS”) invited state Medicaid programs to seek waiver authority to require certain able-bodied recipients of public assistance to pursue community engagement, education, job training, or employment in order to “help such families and individuals attain or retain capability for independence or self-care” in accordance with Section 1901 of the Social Security Act; and

WHEREAS, the South Carolina Department of Health and Human Services (“SCDHHS”) is the single state agency responsible for administering the Medicaid program in South Carolina pursuant to Title XIX, Section 1902(a)(5) of the Social Security Act and section 44-6-30(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, SCDHHS currently incentivizes employment by disregarding certain earned income when making eligibility determinations to ensure individuals seeking economic self-sufficiency do not lose access to health coverage while transitioning to the workforce; and

WHEREAS, SCDHHS submitted Community Engagement Section 1115 Demonstration Waivers to CMS on May 8, 2019, and the corresponding federal public comment period ended on July 10, 2019; and

WHEREAS, it is anticipated that CMS will approve SCDHHS’s Community Engagement Section 1115 Demonstration Waivers, subject to special terms and conditions, on or about December 12, 2019; and

WHEREAS, those state agencies administering companion education, training, and public assistance programs must partner with SCDHHS to ensure successful implementation of the Community Engagement Section 1115 Demonstration Waivers; and

WHEREAS, Proviso 33.15 of the Fiscal Year 2019–20 General Appropriations Act authorizes and directs SCDHHS to use individualized data available to other agencies and entities for the purposes of recertifying and enrolling individuals in the Medicaid program, which includes the use of such data to verify individual compliance with Community Engagement standards; and

WHEREAS, SCDHHS and its partner agencies must take all reasonable and necessary steps to reduce the administrative cost and individual burden of implementing Community Engagement standards within the Medicaid program.

6 EXECUTIVE ORDERS

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 create and establish the State Community Engagement Implementation Task Force (“Task Force”), which shall be constituted and shall execute its duties and responsibilities as set forth below:

Section 1. Objectives

The Task Force shall act and serve in an advisory capacity and shall have the following objectives:

A. Coordinate the efforts of those agencies and entities necessary to implement South Carolina’s Community Engagement Section 1115 Demonstration Waivers.

B. Initiate, coordinate, and oversee efforts to establish contracts and agreements, operations, information sharing, and referral networks necessary to:

1. Support the efforts of individuals seeking Community Engagement activities, education, or employment;

2. Assist individuals with removing barriers to employment resulting from physical or mental health challenges or prior justice involvement;

3. Reduce the administrative burden of reporting for and complying with Community Engagement standards;

4. Measure the impact and effectiveness of the Community Engagement Section 1115 Demonstration Waivers.

C. Collaborate with and call upon various federal agencies—to include the United States Department of Labor, United States Department of Agriculture, Internal Revenue Service, United States Department of Education, Social Security Administration, USDHHS, and any subordinate administrations thereof—for technical assistance, data and information sharing, and funding, as practicable.

D. Monitor and meet regularly to report on the implementation and oversight of SCDHHS’s Community Engagement Section 1115 Demonstration Waivers.

Section 2. Membership

A. The Task Force shall consist of the following seven (7) members:

1. Director of SCDHHS, who shall serve as Chair of the Task Force;

2. Director of the South Carolina Department of Alcohol and Other Drug Abuse Services or designee;

3. Executive Director of the South Carolina Department of Employment and Workforce or designee;

4. Director of the South Carolina Department of Social Services or designee;

5. Director of the South Carolina Department of Revenue or designee;

6. Director of the South Carolina Department of Probation, Parole and Pardon Services or designee;

7. Director of the South Carolina Department of Corrections or designee.

B. The Chair, in consultation with the Governor, may establish, organize, and appoint one or more committees or working groups to assist the Task Force with its objectives and may invite non-members to participate, as necessary, to include individuals representing the following agencies, entities, or categories:

1. South Carolina Board of Economic Advisors;

2. South Carolina Revenue and Fiscal Affairs Office;

3. South Carolina Department of Education;

4. South Carolina Commission on Higher Education;

5. South Carolina Board of Technical and Comprehensive Education;

6. South Carolina’s representatives on the Corporation for National and Community Service;

7. South Carolina Interagency Council on Homelessness;

8. State Fiscal Accountability Authority;

9. Professional associations representing medical professions and industries;

10. South Carolina Department of Vocational Rehabilitation;

11. Able South Carolina;

12. South Carolina Department of Labor, Licensing and Regulation;

13. South Carolina Department of Health and Environmental Control;
14. South Carolina Protection and Advocacy for People with Disabilities, Inc.;
15. South Carolina Department of Disabilities and Special Needs;
16. Members of the South Carolina General Assembly;
17. Board and staff members of the state chamber of commerce or local chambers of commerce;
18. Relevant medical, research, business, community-based, and human service professionals and leaders as necessary to implement and evaluate all or part of the Community Engagement Section 1115 Demonstration Waivers.

C. As the Chair deems necessary and appropriate, the Task Force is authorized to consult with, call upon, or enlist additional individuals to advise or assist the Task Force regarding its objectives or to provide any available data, information, expertise, or resources related to the same.

D. All members of the Task Force, as well as non-members invited to serve on or assist with a committee or working group, shall serve at the pleasure of the Governor, who may alter the composition of the Task Force at any time.

E. All members of the Task Force, as well as non-members invited to serve on or assist with a committee or working group, shall serve without compensation, and any public officials shall serve *ex officio*.

Section 3. Administration

A. The Task Force shall meet and convene upon the call of the Chair. A simple majority of the members of the Task Force shall constitute a quorum for the transaction of all business of the Task Force.

B. SCDHHS shall provide staff and administrative support services and any other necessary resources to the Task Force, and all agencies or departments in the undersigned's Cabinet shall cooperate with and assist the Task Force as requested.

C. The Task Force is authorized to call upon any agency, department, division, or office of the State to provide the Task Force with data or other information or reasonable assistance in connection with this Order and the Task Force's objectives, and any such agency, department, division, or office is authorized to provide the requested data or other information or reasonable assistance to the Task Force to the extent not prohibited by law or regulation.

This Order is not intended to create, and does not create, any individual rights, privileges, or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of South Carolina or its agencies, departments, officers, employees, or any other entities or persons, to include the Task Force or any member thereof.

This Order is effective upon approval by USDHHS of SCDHHS's Community Engagement Section 1115 Demonstration Waivers and shall remain in effect unless and until superseded or rescinded.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 12th DAY OF DECEMBER, 2019.**

**HENRY MCMASTER
Governor**

8 EXECUTIVE ORDERS

Executive Order No. 2019-40

WHEREAS, the undersigned has been notified of the passing of Deputy Michael S. Latu of the Marion County Sheriff's Office, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Deputy Latu dedicated his life to protecting and serving the people of the State of South Carolina and the residents of Marion County, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that "[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff"; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

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 all flags on state buildings be lowered to half-staff from sunrise until sunset on Friday, December 20, 2019, in tribute to Deputy Latu and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 19th DAY OF DECEMBER, 2019.**

**HENRY MCMASTER
Governor**

Executive Order No. 2019-41

WHEREAS, there presently exists a vacancy in the office of Auditor of McCormick County due to the resignation of Virginia H. Edmunds; and

WHEREAS, in the event of a vacancy in the office of a county auditor, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as county auditor pursuant to sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, Clarissa R. Parks, of McCormick, South Carolina, is a fit and proper person to serve as Auditor of McCormick County.

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 appoint Clarissa R. Parks to serve as Auditor of McCormick County until the next general election and until her successor shall qualify as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 30th DAY OF DECEMBER, 2019.**

**HENRY MCMASTER
Governor**

Executive Order No. 2020-01

WHEREAS, the undersigned has been notified of the passing of Officer Jackson R. Winkeler of the Florence Regional Airport Department of Public Safety, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Officer Winkeler dedicated his life to protecting and serving the people of the State of South Carolina, both with the Florence Regional Airport Department of Public Safety and the Latta Fire Department, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

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 all flags on state buildings be lowered to half-staff from sunrise until sunset on Thursday, January 9, 2020, in tribute to Officer Winkeler and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 7th DAY OF JANUARY, 2020.**

**HENRY MCMASTER
Governor**

10 EXECUTIVE ORDERS

Executive Order No. 2020-02

WHEREAS, on April 24, 2019, the undersigned issued Executive Order No. 2019-15, suspending William Kenney Boone from the office of Sheriff of Florence County, pursuant to article VI, section 8 of the South Carolina Constitution and section 8-1-110 of the South Carolina Code of Laws, as amended, following his indictment by the State Grand Jury for two counts of Embezzlement of Public Funds, in violation of section 16-13-210 of the South Carolina Code of Laws, as amended, and one count of Misconduct in Office, in violation of the Common Law of South Carolina; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution and section 8-1-110 of the South Carolina Code of Laws, Executive Order No. 2019-15 stated that the undersigned's suspension of William Kenney Boone was effective immediately and "until such time as he shall be formally acquitted or convicted"; and

WHEREAS, pursuant to section 23-11-40(C) of the South Carolina Code of Laws, as amended, the undersigned previously appointed William C. Barnes, of Florence, South Carolina, "to serve as Sheriff of Florence County until William Kenney Boone is acquitted, or the indictment is otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever event occurs first"; and

WHEREAS, the State Grand Jury subsequently returned an additional indictment charging William Kenney Boone with three counts of Ethics Act Violations, as specified further therein, and one count of Misconduct in Office, in violation of the Common Law of South Carolina; and

WHEREAS, on January 8, 2020, William Kenney Boone pleaded guilty to one count of Misconduct in Office, in violation of the Common Law of South Carolina, and one count of Embezzlement of Public Funds, in violation of section 16-13-210 of the South Carolina Code of Laws; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in pertinent part, that upon indictment by a grand jury of any officer of the State or its political subdivisions who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, "the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted," and "[i]n case of conviction, the position shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, article VI, section 8 of the South Carolina Constitution also provides, in relevant part, that upon conviction of an "officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . the office shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, in addition to the foregoing authorities, section 8-1-110 of the South Carolina Code of Laws similarly requires that upon indictment and conviction of any officer who has the custody of public or trust funds on charges of embezzlement or the appropriation of public or trust funds to private use, "the office shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, one or both of the aforementioned counts to which William Kenney Boone pleaded guilty charged him with "embezzlement or the appropriation of public or trust funds to private use," "a crime involving moral turpitude," or both, for purposes of article VI, section 8 of the South Carolina Constitution; and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution and section 8-1-110 of the South Carolina Code of Laws, the office of Sheriff of Florence County shall be declared vacant and the vacancy shall be filled as provided by law; and

WHEREAS, with regard to such vacancies in office, section 23-11-40(A) of the South Carolina Code of Laws provides that "[i]f any vacancy occurs in the office of sheriff in any county of this State less than one

year prior to the next general election for county sheriffs, the Governor may appoint some suitable person who must be an elector of the county and who, upon qualifying, according to law, is entitled to enter upon and hold the office until a sheriff is elected and qualifies in the election and is subject to all the duties and liabilities incident to the officer during the term of his service in the office"; and

WHEREAS, the next general election for the office of Sheriff of Florence County is scheduled to be held on or about November 3, 2020, and William C. Barnes is a fit and proper person to continue serving as Sheriff of Florence County "until a sheriff is elected and qualifies in the election," pursuant to section 23-11-40(A) of the South Carolina Code of Laws.

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 declare vacant the office of Sheriff of Florence County and appoint William C. Barnes to serve as Sheriff of Florence County until a sheriff is elected and qualifies in the next general election, in accordance with section 23-11-40(A) of the South Carolina Code of Laws. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 8th DAY OF JANUARY, 2020.**

**HENRY MCMASTER
Governor**

12 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **January 24, 2020** for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201 at (803) 545-3495.

Affecting Cherokee County

Peachtree Operating Group, LLC d/b/a Peachtree Centre

Conversion of 40 assisted living beds to skilled nursing beds for a total of 151 skilled nursing beds at a total project cost of \$944,540.

Affecting Florence County

SCHHA, LLC d/b/a MUSC Health at Home by BAYADA

Establishment of a Home Health Agency in Florence County at a total project cost of \$62,000.

Affecting Greenville County

St. Francis Hospital, Inc. d/b/a Bon Secours St. Francis Simpsonville-Freestanding Emergency Department

Construction of a freestanding emergency department at a total project cost of \$24,315,576.

Affecting Greenwood County

Self Regional Healthcare

Construction for the renovation of the emergency department and the addition of 344 sf at a total project cost of \$22,500,000.

Affecting Horry County

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

Addition of 50 general hospital beds for a total of 155 general hospital beds at a total project cost of \$16,280,000.

Affecting Kershaw County

KershawHealth d/b/a The Health Services District of Kershaw County d/b/a KershawHealth Karesh Long Term Care

Construction of an 87,690-sf facility for the replacement of the current KershawHealth Karesh Long Term Care and the addition of 36 skilled nursing beds for a total of 132 skilled nursing beds at a total project cost of \$34,568,758.

Affecting Marion County

SCHHA, LLC d/b/a MUSC Health at Home by BAYADA

Establishment of a Home Health Agency in Marion County at a total project cost of \$37,000.

Affecting Richland County

Lexington County Health Services District, Inc. d/b/a LMC Northeast

Purchase of a 1.5T MRI scanner for a 1,518-sf outpatient MRI services suite within a new 225,000 sq. ft medical office building at a total project cost of \$1,907,721.

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 **January 24, 2020**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information, call (803) 545-3495.

Affecting Beaufort County

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

Renovation of existing space and addition of 4 psychiatric beds for a total of 18 psychiatric beds at a total project cost of \$249,550.

Affecting Charleston County

South Carolina Sports Medicine and Orthopaedic Center, PA d/b/a South Carolina Sports Medicine and Orthopaedic Center

Purchase of a 3T MRI unit at a total project cost of \$2,339,737.

TN Reliable Nursing South Carolina

Establishment of a new Home Health agency in Charleston County at a total project cost of \$26,679.00

Affecting Greenwood County

Greenwood Eye Surgery Center, LLC (GESC-LLC) d/b/a Greenwood Eye Surgery Center

Construction for the establishment of a new ambulatory surgery center restricted to ophthalmic procedures at a total project cost of \$3,984,230.

Affecting Horry County

McLeod Loris Seacoast Hospital d/b/a McLeod Outpatient Surgery Center Carolina Forest

Construction of a new multispecialty Ambulatory Surgical Facility with 4 Operating Rooms and 2 Endoscopy Suites at a total project cost of \$15,306,507.

Affecting Richland County

RADDON d/b/a Midlands Cancer Center

Establishment of a new outpatient radiation therapy center with one Tomotherapy unit at a total project cost of \$7,869,272.00.

Affecting Spartanburg County

Spartanburg Regional Health Services District, Inc. d/b/a Pelham Medical Center

Purchase of PET/CT Scanner unit at a total project cost of \$2,400,000.

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

Relocation of 24 licensed psychiatric beds from Spartanburg Medical Center Church Street Campus to Spartanburg Medical Center-Mary Black Campus for a total of 39 psychiatric beds.

Spartanburg Rehabilitation Institute, Inc. d/b/a Spartanburg Rehabilitation Institute

Construction for the addition of 15,100 sf and the addition of 20 Rehabilitation beds (for a total of 60 Rehabilitation beds) at a total project cost of \$6,254,842.00.

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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 February 24, 2020 to:

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 companies have applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

Class I

Georgia Oilmen's Services, Inc.
Attn: Kurt D. Hausner, P.G.
1775 Spectrum Dr, Ste B, Building 2
Lawrenceville, GA 30043

PUBLIC SERVICE COMMISSION
CHAPTER 103
Statutory Authority: 1976 Code Section 58-3-140

Notice of Drafting:

On November 27, 2019, the Office of Regulatory Staff (ORS) filed a Petition for Rulemaking with the Public Service Commission for the purpose of promulgating a regulation to help prevent the potential for misleading advertisements by prohibiting the sale of customer data by regulated utilities, absent a customer's direct consent. The Public Service Commission seeks to draft a new regulation which addresses the ORS's Petition for Rulemaking. Interested persons may submit comments to the Public Service Commission, Clerk's Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210. Please reference Docket Number 2019-387-A. To be considered, comments must be received no later than 4:45 p.m. on Thursday, March 12, 2020.

Synopsis:

In the ORS's Petition for Rulemaking, it stated that "the protection of the public interest requires that the Commission hold a rulemaking proceeding to determine appropriate parameters and standards regarding a utility's use of customer data." ORS further recommended in its Petition that "the regulations regarding a utility's ability to sell customers' data be examined. ORS recommends the Commission consider regulations to apply to all regulated utilities that help prevent the potential for misleading advertisements by prohibiting the sale of customer data by regulated utilities absent a customer's consent." After the ORS filed its Petition for Rulemaking for the purpose of promulgating a regulation to help prevent the potential for misleading advertisements by prohibiting the sale of customer data by regulated utilities, absent a customer's direct consent, the Commission issued Order Number 2019-877 on December 18, 2019. In Order Number 2019-877, the Commission approved the ORS's request to initiate a rulemaking, and the Commission opened a docket for this rulemaking. On December 20, 2019, the ORS filed its Proposed Regulation to Protect Customer Data with the Public Service Commission. The ORS's Proposed Regulation can be viewed on the Commission's Docket Management System (psc.sc.gov) under Docket Number 2019-387-A.

Legislative review of this proposal will be required.

16 PROPOSED REGULATIONS

Document No. 4957

COMMISSION ON HIGHER EDUCATION CHAPTER 62

Statutory Authority: 1976 Code Section 59-112-100

62-110 through 62-132. Student Loan Corporation.

Preamble:

R.62-110 through 62-132 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the Student Loan Corporation are being considered to clarify the policies and procedures for administering the SC Teachers Loan Program. In the proposed amendment, the regulation is being revised to address and update the requirements for entry into the program. The revisions seek to allow the program administrators to recruit more students into the teacher education program, and to help retain current teachers in South Carolina schools.

A Notice of Drafting for the proposed regulation was published in the *South Carolina State Register* on October 25, 2019.

Section-by-Section Discussion

Section 62-120 Removes the language related to the requirements of passing a Basic Skills Test, or if a student who has completed a minimum of two semesters of college work, attaining the mean SAT or ACT test.

 Removes the language related to a cumulative GPA or a class rank requirement.

 Adds the word “currently” to clarify the need for current enrollment

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on March 5, 2020, to be held in the Main Conference Room at 1122 Lady Street, Suite 300, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission’s agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 300, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on March 2, 2020. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on March 5, 2020, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 62-110 through 62-132. Student Loan Corporation.

PROPOSED REGULATIONS 17

Purpose: R.62-110 through 62-132 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the Student Loan Corporation are being considered to clarify the policies and procedures for administering the SC Teachers Loan Program. In the proposed amendment, the regulation is being revised to address and update the requirements for entry into the program. The revisions seek to allow the program administrators to recruit more students into the teacher education program, and to help retain current teachers in South Carolina schools.

Legal Authority: The legal authority for R.62-600 through 62-612 is Act 512 Part 2 Section 9 Division 2 Subdivision C Subpart 1 (6), Acts of Joint Resolutions of South Carolina 1984

Plan for Implementation: The proposed regulation will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

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

The proposed regulation is needed to allow the program to allow the program administrators to recruit more students into teacher education programs, and to help retain current teachers in South Carolina schools.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. It is believed that the proposed regulation will benefit our state by allowing program administrators to recruit and retain South Carolina teachers.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

R.62-110 through 62-132 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the Student Loan Corporation are being considered to clarify the policies and procedures for administering the SC Teachers Loan Program. In the proposed amendment, the regulation is being revised to address and update the requirements for entry into the program. The revisions seek to allow the program administrators to recruit more students into the teacher education program, and to help retain current teachers in South Carolina schools.

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.

18 EMERGENCY REGULATIONS

Filed: December 16, 2019 10:40am

Document No. 4956

DEPARTMENT OF SOCIAL SERVICES CHAPTER 114

Statutory Authority: 1976 Code Sections 43-1-80 and 63-7-2320

114-550. Licensure for Foster Care.

Emergency Situation:

This regulatory amendment was initially filed on September 13, 2019 and is being refiled. The filing of the amendment is necessary to make it possible to issue a provisional license to kin who are willing to provide foster care for an abused or neglected child. Kin would receive a monetary stipend during the period of provisional licensure.

Text:

114-550. Licensure for Foster Care.

A. Definitions.

(1) Foster Care—This is care for children in the custody of the South Carolina Department of Social Services who must be separated from their parents or guardians. It is a temporary living arrangement within the structure and atmosphere of a private family home (kin and non relative), or a group home, emergency shelter, residential facility, child care institution, or pre adoptive home, and is utilized while permanent placement plans are being formulated for the involved children.

(2) Board Payments—These are monthly funds appropriated for daily care and maintenance for eligible children in foster care.

(3) The Foster Family—A family that is generally composed of a father and mother, but may be widowed, divorced or single adults, who are licensed by SCDSS, and who are mutually interested in and evidence a capability to care for foster children.

(4) Kinship Care Foster Family—This is a relative family that has been identified and licensed to provide foster care for a specified child or children. Unless otherwise stated, the term foster parent or foster family includes kinship foster care parents and families.

(5) Assessment Study—This is the actual documentation of the assessment study of a family or related family applying to provide foster care services, completed by designated agency staff of the South Carolina Department of Social Services or designated staff of a child placing agency.

(6) Child Placing Agency—For the purposes of these regulations, any person or entity who holds legal or physical custody of a child for the purpose of placement for foster care or adoption or a private placement, or a person or entity who facilitates the placement of children for the purpose of foster care or adoption or a private placement and, which for the purpose of these regulations, retain their own system of foster homes, is a child placing agency. Homes assessed by child placing agencies are licensed in accordance with the Department of Social Services licensing regulations and issued a license by SCDSS.

(7) Agency—South Carolina Department of Social Services.

(8) Foster child—for the purposes of these regulations, a child in the custody of SCDSS.

(9) Household member—for the purposes of licensing interviews and assessment, an individual who spends significant amounts of time (as defined by SCDSS or the child placing agency) in an applicant's household, can be considered a household member.

B. Applications.

(1) An application form shall be completed by all foster families desiring to be licensed and relicensed.

(2) Applicants must supply thorough, complete and accurate information. Incomplete or erroneous information or violation of regulations can be grounds for denial of an application, revocation of a current license or denial of a renewal.

(3) SCDSS or a licensed child placing agency reserves the right to request and consider additional information if needed during the licensing or renewal process. This additional information may be considered during the licensing or renewal decision-making process.

C. Licensing Procedure.

(1) Any application for licensure pursuant to these regulations shall be studied by SCDSS or a licensed child placing agency.

(2) A decision regarding each application for a license shall be made within 120 days subsequent to the date the standard application is completed by the applicant(s) and is received by SCDSS or the child placing agency. If SCDSS or the child placing agency has requested information that has not been received within 120 days, then the decision is stayed pending receipt of all information.

(3) An initial Standard license shall be issued or denied by the director of SCDSS or his/her designee based on the result of the assessment study and recommendation of SCDSS or child placing agency.

D. Licenses.

(1) The issued license shall not be transferable from either the address or foster family specified on the license.

(2) A Standard license shall be issued when all requirements of these regulations are met. A Standard license is valid for two years from the date of issuance.

(3) A Standard with Temporary Waiver license may be issued for up to 90 days. The utilization of this type of license is warranted when SCDSS or the child placing agency is acting in the best interest of children already in placement and for whom stability is necessary. The Standard with Temporary Waiver license shall include language that reflects the expiration period and the reason for the temporary waiver. No additional children may be placed during temporary waiver periods. Standard with Temporary Waiver licenses can be issued under the following circumstances:

(a) A standard licensed foster parent moves to a new home and SCDSS or child placing agency is waiting to receive written documentation that the fire and health inspections have been completed and any noted deficiencies have been corrected; or

(b) A standard license has previously been issued to a foster family and subsequently a household member reaches the age of eighteen years, or a new adult household member has entered the home since licensure, and SCDSS or child placing agency is waiting to receive written clearance on all background checks for that individual.

(4) A Standard-Exceeds Maximum Number Allowed license may be issued when a standard licensed foster parent receives placement of more children than allowed under requirements due to SCDSS or child placing agency trying to preserve unity of a sibling group or making an adoptive placement. This license can continue until the number of children again satisfies licensing requirements.

(5) A Provisional License for Kinship Foster Care may be issued for up to ninety (90) days. Except in extenuating circumstances, a provisional license should remain in effect for no more than ninety (90) days. The department shall provide a monthly stipend to the kinship foster parent during the period of provisional licensure. A Provisional License for Kinship Foster Care may be issued under the following circumstances:

(a) The child is in the legal and physical custody of the department;

(b) A relative has indicated in writing that the relative wants to become a licensed kinship foster parent;

(c) The relative is eighteen (18) years of age or older; and

(d) The department has completed an Assessment Study, a child abuse and neglect history check, a Sex offender registry check, a criminal history check pursuant to R.114-550(G)(1)(a), and other investigations as deemed necessary by the department to determine the suitability of placement. The relative must consent to a check of records necessary for the department to determine suitability of placement.

(6) No license issued shall be effective for more than two years from the date of issuance. Subsequent relicensure studies must be completed prior to the expiration of the last license.

(7) A foster home shall not be licensed for more than five (5) children, including the foster parents' own children and/or other children who are household members unless SCDSS or child placing agency is keeping siblings together or the placement has been court ordered.

(8) Foster Home licensure by more than one agency, or by more than one division within an agency, is not permitted.

E. Assessment Study.

20 EMERGENCY REGULATIONS

(1) Each prospective foster family shall be assessed by designated staff of SCDSS or by designated staff of a licensed child placing agency.

(2) Such assessment shall be conducted in order to determine:

- (a) Whether the applicant(s) complies with licensing requirements and standards;
- (b) For which gender and age range of children the home can be licensed;
- (c) Whether the prospective foster parents fully understand the purpose of foster care; and
- (d) Applicant(s) and other household members ability to provide quality foster care.

(3) All members of the household over six years of age shall be assessed and interviewed in order to determine their willingness to accept a child and to evaluate the stability of the family unit.

(a) A minimum of one family interview, and one interview per individual, shall be conducted in the home with the prospective applicant, spouse, their children and other household members.

(b) The applicant and spouse shall provide information to SCDSS or the child placing agency staff that enables the licensing staff to interview adult children of the applicant and spouse.

(4) Documentation for the assessment summary at a minimum includes the following issues:

- (a) motivations to foster parent;
- (b) preferences related to placements;
- (c) family history, relationships, parenting experiences, and coping ability;
- (d) educational, health, and work history of family members;
- (e) information on other household members, adult children, and related children not in the physical custody of the applicant or spouse;
- (f) home environment and community resources;
- (g) completion of preparation training;
- (h) results of CPS/Sex Offender/SLED and FBI background checks;
- (i) compliance with all requirements;
- (j) income is reasonably secure and not dependent on board payments;
- (k) appropriateness of day care arrangements for foster children; and
- (l) family's overall understanding of the purpose of foster care and ability to provide quality foster care.

(5) The assessment summary and the SCDSS or child placing agency's recommendation shall be explained to the applicant. If SCDSS or the child placing agency is not recommending licensure, the applicant family should be offered the opportunity to elect to withdraw their application. If the applicant elects to continue their request to be licensed and if the application is denied, the reason(s) for the denial shall be provided in writing. The applicant shall be advised regarding the right to appeal.

F. Working Foster Parents.

(1) If foster parents are employed outside the home, a written statement outlining a total plan of care, including plans for any necessary emergency care for the child, shall be submitted by the foster family.

(2) Individuals who are to provide child care on behalf of employed foster parents must be interviewed by SCDSS or child placing agency staff prior to the issuance of a Standard license to a foster home.

G. The Requirements for Licensing of a Foster Family.

(1) The following requirements shall be met prior to the issuance of a Standard license to provide foster care:

(a) Background checks shall be documented including a review of abuse and neglect history, criminal history found with SLED and the FBI, and the Sex Offender Registry.

(i) The applicant(s) cannot be considered for licensure if an applicant and/or any household member over age eighteen has a substantiated history of child abuse and/or neglect and/or convictions of those crimes listed in SC Code 20-7-1642 and/or is listed on the SC Sex Offender Registry.

(ii) The applicant(s) may be considered for licensure if an applicant and/or any household member over age eighteen has a conviction, or has been pardoned for a conviction of an offense other than those offenses listed in SC Code 20-7-1642. The Director of SCDSS or his/her designee shall review the conviction or pardoned conviction taking into account the nature of the offense(s), any implications of the offense which have bearing on the individual having access to foster children; the length of time that has elapsed since the conviction(s); the applicant's life experiences indicating reform or rehabilitation during the ensuing period of time; and the fitness and ability to perform as a caregiver or the degree of risk which an individual may pose to children placed in the

home. The Director of SCDSS or his/her designee shall document the basis of the decision to approve applicant in light of applicant's and/or household member's criminal record.

(2) The applicant(s) shall be able to access community services and activities.

(3) The applicant's home and property shall be inspected by licensing or child placing agency staff, State Fire Marshal authorities, and health authorities.

(a) A fire inspection by State Fire Marshal authorities who are required or permitted to inspect and enforce fire regulations must be conducted prior to the initial standard licensure.

(b) Annual fire inspections are required thereafter.

(c) A health inspection by such health authorities who are required or permitted to inspect and enforce health and sanitation regulations must be conducted prior to the initial licensure and as needed thereafter.

(d) Additional fire and health inspections are required if there is a change in residence.

(e) Additional fire and health inspections may be required if there are structural changes made to a residence or if such an inspection is deemed necessary by SCDSS or the licensed child placing agency.

(f) Any deficiencies must be corrected prior to initial licensure and/or relicensure.

(4) The applicants/foster parents shall:

(a) Be at least twenty one years of age or older. Age of foster parents should be considered only as it affects their ability to care for children within the age group applicant has expressed an interest in, and in relation to the probable duration of placement of a particular child.

(b) Have knowledge of the needs of children, be capable of meeting the needs of foster children and provide adequate foster care services;

(c) Be capable of handling an emergency situation;

(d) Be cooperative with SCDSS or child placing agency staff in furthering the best interest of the child;

and

(e) Provide all relevant and factual information to SCDSS or the child placing agency.

(5) Foster parents must each have a minimum of fourteen (14) hours of appropriate foster care pre service training and which includes training on licensing requirements and expected standards of care prior to licensure commencing January 1, 2003.

(a) The foster parents will each subsequently be required to complete a minimum of fourteen (14) hours training each year, or twenty (28) hours prior to each subsequent relicensure commencing January 1, 2003.

(b) Viewing standard television programs or reading popular news or magazine articles will not be accepted for training hours and the training shall be provided by SCDSS or via another source which is approved by SCDSS.

(6) The applicant's or current foster family's income shall be reasonably secure and not dependent upon foster care boarding payments. The family shall supply verifiable information on family income and expenditures whenever requested to do so by SCDSS or the child placing agency.

(7) All applicants and household members shall submit an initial medical report by a duly licensed physician or licensed nurse practitioner verifying that such individuals are in reasonably good health, including an evaluation as to any communicable or contagious diseases. If deemed necessary by SCDSS or the child placing agency, additional medical reports may be required.

(a) If applicant/household member has sought treatment for issues related to mental health or drug or alcohol abuse, such information must be disclosed to SCDSS or the child placing agency during the assessment. Applicants shall only be licensed after consultation between SCDSS or the child placing agency staff and appropriate therapist, counselor or physician, if applicable, of the applicant/household member to obtain a history of rehabilitation and to assess the potential effects on their ability to care for children placed in the home.

(b) SCDSS or the child placing agency has the authority to request a psychological report on an applicant or household member, at the expense of the applicant, pursuant to securing information during the assessment study process that could indicate a need for professional consultation.

(c) Applicants/household members will execute the necessary releases to allow SCDSS or the child placing agency to access this information.

(8) A minimum of three written letters of reference shall be initially obtained in regard to foster parent applicants.

(a) If deemed necessary by SCDSS or the child placing agency, additional references may be required.

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(b) References should have known the applicants three years prior to the application and, unless specifically requested, should not be related to the applicants.

H. The following standards of care shall be maintained by foster families. Failure to comply with one or more of these standards of care may result in removal of foster children from the home and revocation of the foster home license:

(1) The child's daily routine shall be planned to promote the development of good health habits.

(2) Each child shall be provided with adequate health and hygiene aids.

(3) Space for a child's possessions shall be provided.

(4) The foster family home shall be able to comfortably accommodate a foster child as well as their own family.

(a) Each child in care shall be provided with his or her own bed and storage space, however same sex siblings may be allowed to share a bed or storage.

(b) No child may routinely share a bed or a bedroom with an adult and except for a child under one year of age, a child must not share a bedroom with an adult unless SCDSS or the child placing agency staff document extenuating circumstances exist.

(c) Children of opposite sex sleeping in the same bed must be limited to siblings under the age of four years. Children of opposite sex sleeping in the same room must be limited to children under the age of four years.

(d) Children shall sleep within calling distance of an adult member of the family, with no child sleeping in a detached building, unfinished attic or basement, stairway, hall, or room commonly used for other than bedroom purposes.

(e) No biological children of the foster family shall be displaced and made to occupy sleeping quarters prohibited in (b), (c) and (d) above because of a foster child being placed in the home.

(f) The top level of bunk beds shall not be used for children under the age of six years.

(5) If deemed appropriate by SCDSS or the child placing agency, the foster family will cooperate in assuring that foster children are able to maintain regular contact with their birth parents, siblings, and other significant relatives.

(6) Unless advised otherwise by the responsible agency, each foster child shall be prepared by foster parents to eventually leave the home.

(7) Foster parents shall follow instructions and suggestions of providers of medical and health related services. If receiving medication, a child's prescription shall be filled on a timely basis and medications will be administered as prescribed, and otherwise be kept secured.

(8) Foster parents shall obtain emergency medical treatment immediately as need arises, and shall notify SCDSS and child placing agency staff, no later than 24 hours of receiving such care.

(a) If the primary source of payment for medical care is medicaid, foster parents must insure that the child's card is accessible at all times.

(b) Foster parents should contact SCDSS for coordination of any elective or non-emergency surgical procedures as far in advance of the procedure(s) as possible.

(c) Any injuries sustained by a foster child must be reported as they occur and no later than 24 hours of incident.

(9) Foster parents are responsible for notifying SCDSS and child placing agency staff as soon as possible when a critical incident has occurred such as:

(a) Death of any child in the home;

(b) Attempted suicide by the child;

(c) Child is caught with a weapon or illegal substance;

(d) Child is charged with a juvenile or adult offense;

(e) Child is placed on homebound schooling or is suspended or expelled from school;

(f) Child has left the home without permission and has not returned.

(10) School attendance shall be in accordance with State law requirements and be in accordance with the ability and in the best interest of the child.

(a) The foster parents will assure that each foster child has access to education, educational opportunities and related services. Foster parents must emphasize the value of education and encourage and support children in their care to fully participate in educational activities;

- (b) SCDSS will choose school foster child attends.
 - (c) SCDSS will not pay for costs associated with private tuition.
 - (d) Unless extenuating circumstances exist, foster parents shall not home school foster children. SCDSS must approve any such plan.
- (11) Religious education shall be in accordance with the expressed wishes of the natural parents, if such wishes are expressed.
- (12) All discipline must be reasonable in manner, moderate in degree and responsibly related to the child's understanding and need.
- (a) Discipline should be constructive or educational in nature (e.g. withdrawal of privileges).
 - (b) Cruel, inhumane and inappropriate discipline is prohibited. This would include but not necessarily be limited to the following: head shaving or any other dehumanizing or degrading act; prolonged/frequent deprivation of food or serving foster children meals which are not as nutritionally adequate as those served to other family members or requiring children to be isolated from other family members when eating, deprivation of mail, slapping or shaking; a pattern of threats of removal from the home as punishment; disciplining a child for a medical or psychological problem over which he/she has no control (e.g. bedwetting, stuttering, etc.).
 - (c) All foster homes are subject to South Carolina laws relating to child abuse and neglect.
 - (d) The use of corporal punishment as a form of discipline is prohibited.
- (13) Tasks which are assigned to foster children shall be appropriate to the ability of the child, similar to responsibilities assigned to other children, and geared toward teaching personal responsibility.
- (14) Foster parents must assist older foster adolescents in their care in learning skills that are necessary for successful independent living.
- (15) Varied recreational activities shall be available to each child.
- (16) Infants and children shall not be left without competent supervision.
- (17) Foster parents, in conjunction with SCDSS, shall keep a life book/scrapbook on each foster child placed in their home. Children's records and reports shall be kept confidential and shall be returned to SCDSS when a foster child leaves the foster home.
- (18) Firearms and any ammunition shall be kept in a locked storage container except when being legally carried upon the foster parent's person; being used for educational, recreational, or defense of self or property purposes by the foster parent; or being cleaned by the foster parent.
- (19) Applicant must be able to secure/supervise access to in ground or above ground swimming pools and maintain adequate supervision during periods of swimming.
- (20) Fire escape plans must be developed, posted and routine drills conducted.
- (21) A plan for how the family will respond and travel in the event of a disaster (e.g., a hurricane evacuation) must be developed and shared with SCDSS or child placing agency.
- (22) All pets must be kept current with rabies vaccinations and proof of such provided. Pets must not pose a safety concern. SCDSS or the child placing agency will determine what constitutes a safety concern.
- (23) Applicants and current licensed families must make themselves reasonably available on an ongoing basis to SCDSS or the child placing agency for statutorily required contacts or other contacts SCDSS or the child placing agency deems necessary. SCDSS or the child placing agency has the right to make unannounced visits, and talk to any foster child on an as needed basis.
- (24) Board payments shall be utilized but not limited to reimbursement for a foster child's board, school expenses, food, clothing, incidentals, minor medical needs and other expenses.
- (25) A foster home shall not provide full time care for more than five (5) children, including the foster parents' own children and/or other children who are household members unless SCDSS or the child placing agency is keeping siblings together or making an adoptive placement or the placement has been court ordered.
- (a) No more than two (2) infants (age birth to one year) shall be placed in the same foster home without prior approval from SCDSS or child placing agency management staff.
 - (b) No foster home shall exceed the number of children stipulated on their issued license without permission from SCDSS or child placing agency staff.
 - (c) No foster home shall accept children referred by another public or private source without obtaining the permission of SCDSS or child placing agency staff prior to the actual placement.
- (26) When a home is licensed to provide care for an unmarried mother, a plan for medical and hospital care, as well as appropriate protection from community stresses associated with pregnancy, must be made.

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(27) A foster family is required to notify SCDSS or child placing agency staff of any significant change in the family/home including, but not limited to, any structural changes in the home; plans involving a change of residence; any major changes in the health of anyone living in the home; change in marital status and the addition of any occupants to the home; significant changes in finances; and criminal and/or child abuse allegation charges and/or investigations.

(28) No unrelated lodger or boarder shall be allowed to move into a foster home without the agency's concurrence. Foster children may be placed or remain in a foster home where there is an unrelated lodger or boarder or room mate after necessary safety checks have been made and written concurrence obtained by SCDSS or the child placing agency. Anyone over the age of eighteen years and living in the home must undergo a fingerprinting, SLED, Sex Offender, and CPS check. If children are already in placement, an affidavit must be submitted by the household member confirming there is no record. The license must be amended to a Standard with Temporary Waiver until the results of the submitted checks have been received.

(29) Applicants or current foster families must advise SCDSS or the child placing agency staff prior to opening a day care or other home based business in the home.

(30) Foster parents shall transport children in accordance with state public safety laws.

I. Records Documentation Required for Child Placing Agencies.

(1) All child placing agencies in the State shall keep records regarding each of their foster children containing the following information:

- (a) The child's name;
- (b) The child's birth date;
- (c) The date of his admission and discharge from each foster care placement;
- (d) Name, address and telephone number of relatives;
- (e) Place and hours of employment of child's relatives; and
- (f) Name, address and telephone number of available physician.

(2) All child placing agencies in the State shall keep records regarding each of their foster homes and said records shall contain documentation of compliance with these regulations and SCDSS procedures related to foster home licensing.

J. Adoption of Foster Children by Foster Parents.

(1) Foster parents may apply to adopt a foster child.

(2) Foster families who have been approved for adoption will be given first consideration for the adoption of a foster child under the following conditions:

- (a) The child has been in the same foster home for a consecutive six months period of time or more; and
- (b) The child is legally free for adoption; and
- (c) Placement for adoption with the foster family is deemed to be in the best interest of the child by SCDSS or the child placing agency.

K. Initial Licensing, Renewal, Denial, Revocation, and Termination of License.

(1) Foster family licenses shall be studied for renewal every two years and prior to the expiration of the last license.

(2) Renewal process requirements include documentation of annual fire inspection, additional training hours, background checks through CPS, SLED, and Sex Offender Registry, home visit, assessment of ongoing compliance with requirements and standards of care, and any additional requirements as SCDSS or the child placing agency staff may deem necessary.

(3) A license will not be issued or renewed if licensing requirements are not met, or standards of care have not been maintained as prescribed within these regulations or if, in the opinion of SCDSS, it would be detrimental for children to be placed in the home. Written notification of the denial, signed by the director of SCDSS or his/her designee will be mailed via certified mail from SCDSS to the applicant(s) or license holder. The notification will inform the applicant(s) or license holder of any right to appeal this decision pursuant to established SCDSS procedure.

(4) A foster home license may be revoked by SCDSS if minimum licensing requirements or standards within these regulations are not met, or, if in the opinion of SCDSS or child placing agency staff, it would be detrimental for additional children to be placed in the home. Written notification of the revocation, signed by the director of SCDSS or his/her designee will be mailed via certified mail from SCDSS to the license holder.

The notification will inform the license holder of any right to appeal this decision pursuant to established SCDSS procedure.

(5) A foster family license shall be terminated when:

- (a) The time specified on the license has elapsed; or
- (b) The foster family has moved to a new location without applying for a change in license; or
- (c) The license has been revoked or renewal denied and the time frame for appeal has elapsed; or
- (d) A foster family voluntarily returns the current license to SCDSS or the child placing agency for cancellation or otherwise informs SCDSS or the child placing agency that they no longer desire to be licensed.

L. Kinship Foster Parents.

(1) Per federal policy, relatives being licensed must be licensed in accordance with the same requirements as non-relative applicants. SCDSS may waive, on a case by case basis, for relatives or non-relatives, non-safety elements as SCDSS deems appropriate. Safety elements such as history of child abuse/neglect, state and/or federal criminal history checks must not be waived. SCDSS must note on the standard license if there was a waiver of non-safety element and identify the element being waived.

(2) Relatives are given preference in placement options provided such placement is in the best interest of the child(ren).

M. Confidentiality.

(1) No foster family shall directly or indirectly disclose any information regarding foster children, their biological families/relatives or other individuals who have had control of the foster children, other than to professionals treating, caring and providing services for the child or others as SCDSS or the licensed child placing agency deems appropriate.

(2) Information that is disclosed shall be limited to information that is necessary to provide for the child's needs and in their best interest.

N. Prior Regulations Repealed.

All regulations concerning foster family homes previously promulgated by the agency are hereby repealed, including: Regulations 114-550 (Vol. 27).

O. Regulations Review.

These regulations are to be evaluated at a minimum, every five (5) years from the date of initiation, to assess the need for revision.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To provide a process for issuance of a provisional license to kin who want to provide foster care.

Legal Authority: 1976 Code Sections 43-1-80 and 63-7-2320.

Plan for Implementation: The amended regulation will take effect upon approval by the General Assembly and upon publication in the *State Register*. DSS will notify staff and licensing partners of the amended regulation, provide training, and post the amended regulation on the agency's website.

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

The agency is adding a process for provisional licensure of kinship caregivers under specified conditions. This process will allow children in foster care to be placed with a family member while the agency works with biological parents to remedy child safety and risk concerns. The agency expects benefits including, but not limited to, fewer children being placed in foster care with unrelated caregivers, reducing the trauma associated with removal from biological parents, maintaining connections to siblings, extended family, and community, and enhanced placement stability while in foster care.

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DETERMINATION OF COSTS AND BENEFITS:

The costs associated with the amended regulation are \$155,000. Provisional licensure of kinship caregivers who meet specified conditions will allow children who need foster care to be placed in the care of adults who know the children or their families; lessening the trauma of removal from biological parents, maintaining connections to siblings; extended family, and community; and enhancing placement stability while in foster care.

UNCERTAINTIES OF ESTIMATES:

The only uncertainties are those associated with not knowing in advance the precise number of relatives who might qualify for provisional licensure.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. This regulation contributes to the agency's function of protecting public welfare and promoting safety, permanency, and well-being for children.

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

There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.