

SOUTH CAROLINA STATE REGISTER DISCLAIMER

While every attempt has been made to ensure the accuracy of this State Register, the printed version of the State Register and not the on-line version is the official version and the Legislative Council makes no warranties or representations regarding its accuracy or completeness, and each user of this product understands that the Legislative Council disclaims any liability for any damages in connection with its use. This information is not intended for commercial use and its dissemination by sale or other commercial transfer is not authorized, absent a written licensing agreement with the Legislative Council. For further information contact the Legislative Council at 803-212-4500.

SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

ASHLEY HARWELL-BEACH, DIRECTOR
DEIRDRE BREVARD SMITH, EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 212-4500

Published February 28, 2020

Volume 44 Issue No. 2

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

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$90.00 plus applicable sales tax. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

X-----X-----X

South Carolina State Register Subscription Order Form

Name	Title
Firm	
Mailing Address	
Billing Address (if different from mailing address)	
Contact Person(s)	E-mail Address
Phone Number	Fax Number
Number of subscriptions: (Cost is \$90.00 plus applicable sales tax per subscription. Checks payable to: Legislative Council)	
	Printed

Mail this form to:
South Carolina State Register
Deirdre Brevard Smith, Editor
P.O. Box 11489
Columbia, SC 29211
Telephone: (803) 212-4500
Fax: (803) 212-4501

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates 1
 Committee List of Regulations Submitted to General Assembly 3

EXECUTIVE ORDERS

Executive Order No. 2020-03 Suspending Transportation Regulations Due to NC State of Emergency..... 5

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Certificate of Need..... 7
 Notice of Voluntary Cleanup Contract, Contribution Protection, and Comment Period – Abbott Labs Site..... 8
 Notice of Voluntary Cleanup Contract, Contribution Protection, and Comment Period – Piggly Wiggly
 Charleston Site 9

REVENUE AND FISCAL AFFAIRS OFFICE

Economic Advisors, Board of

Limit on Compensation for Noneconomic Damages on a Medical Malpractice Claim 10
 Limitation on Punitive Damage Awards..... 10

Economic Research Division

Property Exempt from Attachment, Levy, and Sale by Any Court or Bankruptcy Proceeding 10

DRAFTING NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Air Pollution Control Regulations and Standards (Exempt)..... 12
 Athletic Trainers 13
 Emergency Medical Services 13
 Licensed Midwives 14
 Standards for Licensing Day Care Facilities for Adults 14

JOBS-ECONOMIC DEVELOPMENT AUTHORITY, SOUTH CAROLINA

Repeal South Carolina Jobs-Economic Development Authority..... 15

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Fee Schedules 15
Architectural Examiners, Board of
 Board of Architectural Examiners 16
Long Term Health Care Administrators, Board of
 Administrator-in-Training Program Requirements..... 16
Medical Examiners, Board of
 Election Procedures for the State Board of Medical Examiners and the Medical Disciplinary
 Commission..... 17

TABLE OF CONTENTS

PROPOSED REGULATIONS

CONSUMER AFFAIRS, DEPARTMENT OF
Document No. 4959 Sale or Lease of Renewable Energy Facilities 18

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF
Document No. 4958 Radioactive Materials (Title A) (Exempt) 20

REGULATORY STAFF, OFFICE OF
Document No. 4960 Consumer Protection for the Lease of Renewable Energy Generation
Facilities 22

FINAL REGULATIONS

LABOR, LICENSING AND REGULATION, DEPARTMENT OF
Contractor’s Licensing Board
Document No. 4848 Contractor’s Licensing Board..... 25

Long Term Health Care Administrators, Board of
Document No. 4852 Board of Long Term Health Care Administrators 27

Occupational Safety and Health, Office of
Document No. 4961 Occupational Safety and Health Standards (Article 1, Subarticles 6 and 7) 31

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	SR44-2		Contractor's Licensing Board	1/19/20	LLR-Contractor's Licensing Board
4852	SR44-2		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
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
4926			Compounding of Veterinary Drug Preparations	5/13/20	LLR-Board of Pharmacy
4927			Facility Permit Classifications	5/13/20	LLR-Board of Pharmacy
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
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
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
4954			Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	5/13/20	Department of Health and Envir Control

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4913	Determination of Rates of Tuition and Fees	5/13/20	Commission on Higher Education
4936	South Carolina National Guard College Assistance Program	5/13/20	Commission on Higher Education
4878	Named Storm or Wind/Hail Deductible	5/13/20	Department of Insurance
4889	Board of Chiropractic Examiners	5/13/20	LLR-Board of Chiropractic Examiners
4892	Health Services Executive	5/13/20	LLR- Board of Long Term Health Care Administrators
4925	Apprenticeships	5/13/20	LLR-Board of Examiners in Opticianry
4941	International Residential Code	5/13/20	LLR-Building Codes Council
4935	Licensing Criteria	5/14/20	Commission on Higher Education
Committee Request Withdrawal			
4843	Board of Physical Therapy Examiners	Tolled	LLR
4861	Consolidated Procurement Code	Tolled	State Fiscal Accountability Authority
Permanently Withdrawn			
4922	Fee Schedules		LLR

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	Regulations and Admin. Procedures	Medical Affairs
4879	E-Filing and E-Service	Regulations and Admin. Procedures	Judiciary
4904	Procedures for Administrative Hearings before the Securities Commissioner	Regulations and Admin. Procedures	Judiciary
4883	Hazardous Waste Management Regulations	Regulations and Admin. Procedures	Medical Affairs
4887	Water Classifications and Standards	Regulations and Admin. Procedures	Agriculture and Natural Resources
4885	Classified Waters	Regulations and Admin. Procedures	Agriculture and Natural Resources
4916	Contractor Performance Evaluation	Regulations and Admin. Procedures	Transportation
4917	Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation	Regulations and Admin. Procedures	Transportation
4914	General Regulation; and Additional Regulations Applicable to Specific Properties	Regulations and Admin. Procedures	Fish, Game and Forestry
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	Regulations and Admin. Procedures	Fish, Game and Forestry
4929	Corporate Governance Annual Disclosure Regulation	Regulations and Admin. Procedures	Banking and Insurance
4931	Minimum Standards for the Readability of Commonly Purchased Insurance Policies	Regulations and Admin. Procedures	Banking and Insurance
4932	Pharmacy Benefits Managers	Regulations and Admin. Procedures	Banking and Insurance
4912	Securities	Regulations and Admin. Procedures	Judiciary
4884	Indigent Screening Process	Regulations and Admin. Procedures	Judiciary
4918	Assisting, Developing, and Evaluating Professional Teaching (ADEPT)	Regulations and Admin. Procedures	Education
4902	Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products; and Frozen Desserts	Regulations and Admin. Procedures	Agriculture and Natural Resources
4903	Soft Drink and Water Bottling Plants; and Wholesale Commercial Ice Manufacturing	Regulations and Admin. Procedures	Agriculture and Natural Resources
4886	Standards for the Permitting of Agricultural Animal Facilities	Regulations and Admin. Procedures	Agriculture and Natural Resources
4897	Statement of Policy; and Administrative Procedures	Regulations and Admin. Procedures	Medical Affairs
4898	Medical and Dental Scholarship Fund	Regulations and Admin. Procedures	Medical Affairs
4919	Credential Classification	Regulations and Admin. Procedures	Education
4920	Renewal of Credentials	Regulations and Admin. Procedures	Education
4900	Licensure for Foster Care	Regulations and Admin. Procedures	Family and Veterans' Services
4901	Licensure for Foster Care	Regulations and Admin. Procedures	Family and Veterans' Services
4923	Board of Accountancy	Regulations and Admin. Procedures	Labor, Commerce and Industry
4921	Continuing Education and Continuing Education Programs	Regulations and Admin. Procedures	Labor, Commerce and Industry
4905	Inspection Guidelines	Regulations and Admin. Procedures	Labor, Commerce and Industry
4924	Examinations; Requirements for Renewal/Reactivation of Expired or Lapsed Registrations; and Continuing Professional Competency	Regulations and Admin. Procedures	Labor, Commerce and Industry
4891	Continuing Education	Regulations and Admin. Procedures	Labor, Commerce and Industry
4926	Compounding of Veterinary Drug Preparations	Regulations and Admin. Procedures	Medical Affairs
4927	Facility Permit Classifications	Regulations and Admin. Procedures	Medical Affairs
4890	Laboratory Work Authorization Form; Sanitary Standards; and Ethics	Regulations and Admin. Procedures	Medical Affairs
4893	Recording and Reporting Occupational Injuries and Illnesses	Regulations and Admin. Procedures	Labor, Commerce and Industry
4934	Check Cashing	Regulations and Admin. Procedures	Banking and Insurance
4894	Consolidated Procurement Code	Regulations and Admin. Procedures	Finance
4937	International Building Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4938	International Fire Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4939	International Fuel Gas Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4940	International Mechanical Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4942	National Electrical Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4953	Standards for Licensing Renal Dialysis Facilities	Regulations and Admin. Procedures	Medical Affairs
4954	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	Regulations and Admin. Procedures	Medical Affairs
4913	Determination of Rates of Tuition and Fees	Regulations and Admin. Procedures	Education
4936	South Carolina National Guard College Assistance Program	Regulations and Admin. Procedures	Education
4878	Named Storm or Wind/Hail Deductible	Regulations and Admin. Procedures	Banking and Insurance
4889	Board of Chiropractic Examiners	Regulations and Admin. Procedures	Medical Affairs
4892	Health Services Executive	Regulations and Admin. Procedures	Medical Affairs
4925	Apprenticeships	Regulations and Admin. Procedures	Medical Affairs
4941	International Residential Code	Regulations and Admin. Procedures	Labor, Commerce and Industry

4 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4935	Licensing Criteria	Regulations and Admin. Procedures Education
Committee Request Withdrawal		
4843	Board of Physical Therapy Examiners	Regulations and Admin. Procedures Medical Affairs
4861	Consolidated Procurement Code	Regulations and Admin. Procedures Finance
Permanently Withdrawn		
4922	Fee Schedules	Regulations and Admin. Procedures Labor, Commerce and Industry

Executive Order No. 2020-03

WHEREAS, the State of North Carolina recently experienced severe weather, including tornadoes, torrential rainfall, major flooding, high winds, and significant thunderstorms, which caused extensive damage throughout the State of North Carolina, such as widespread power outages and the loss or disruption of other essential utilities and utility services; and

WHEREAS, due to the recent severe weather event and resulting impacts, the Governor of North Carolina issued Executive Order No. 115 on February 7, 2020, declaring that an emergency exists in the State of North Carolina and temporarily waiving or suspending certain motor vehicle regulations to ensure the prompt restoration of utility services; and

WHEREAS, the Federal Motor Carrier Safety Regulations limit, *inter alia*, the hours of service for operators of commercial vehicles, 49 C.F.R. §§ 390 *et seq.*, and federal law prescribes certain weight limitations for vehicles on interstate highways, 23 U.S.C. § 127; and

WHEREAS, pursuant to 49 C.F.R. § 390.23, the governor of a state may suspend certain federal rules and regulations for commercial vehicles responding to an emergency if the governor determines that an emergency condition exists; and

WHEREAS, when an emergency is declared in the State of North Carolina that triggers relief from regulations pursuant to 49 C.F.R. § 390.23, the undersigned must declare an emergency in this State in accordance with section 56-5-70(B) of the South Carolina Code of Laws; and

WHEREAS, the prompt restoration of utility services is essential to the safety and well-being of the people of North Carolina and it is necessary and prudent for the State of South Carolina to assist the State of North Carolina by supporting ongoing emergency response efforts and by facilitating the uninterrupted transportation of essential equipment and supplies to or from the impacted areas.

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 declare that an emergency exists in the State of South Carolina, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(B) of the South Carolina Code of Laws, for the limited purpose of suspending certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles responding to the declared emergency in the State of North Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. The South Carolina Department of Transportation and the South Carolina Department of Public Safety, including the State Transport Police, as needed, shall suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles responding to the declared emergency in the State of North Carolina pursuant to 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws.

This Order shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Order shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387,

6 EXECUTIVE ORDERS

and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

Section 2. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

(a) Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

(d) Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

This Order is effective immediately and shall remain in effect for thirty (30) days or until the state of emergency in the State of North Carolina is terminated, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws.

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

**HENRY MCMMASTER
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **February 28, 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 Charleston County**Medical University Hospital Authority d/b/a MUSC Medical Center**

Purchase of a Synaptive Modus V robotic digital microscope at a total project cost of \$1,132,250.

Affecting Florence County**Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation**

Construction of a 63,620-sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014.

Affecting Lexington County**Lexington Regional Rehabilitation Hospital, LLC d/b/a Lexington Regional Rehabilitation Hospital**

Construction for the establishment of a 36 bed Freestanding Inpatient Rehabilitation Hospital in Lexington County at a total project cost of \$21,487,644.

Affecting York County**Amisub of South Carolina, Inc. d/b/a Piedmont Medical Center**

Addition of 36 general hospital beds for a total of 268 general hospital beds at a total project cost of \$333,810.

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 **February 28, 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 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 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 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.

8 NOTICES

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.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File # 413256
Abbott Labs Site

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

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Abbott Laboratories (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Abbott Labs facility located in Spartanburg County at 575 John Dodd Road, Spartanburg, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

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

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

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

Any comments to the proposed VCC must be submitted in writing, postmarked no later than March 30th, 2020, and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

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

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

DHEC-Bureau of Land and Waste Management, File # 59109
Piggly Wiggly Charleston Site

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

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with 445 Meeting QOZ Owner, LLC (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Piggly Wiggly Charleston facility located in Charleston County at 445 Meeting Street, Charleston, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

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

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

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

Any comments to the proposed VCC must be submitted in writing, postmarked no later than March 30th, 2020, and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

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

10 NOTICES

REVENUE AND FISCAL AFFAIRS OFFICE BOARD OF ECONOMIC ADVISORS

NOTICE OF GENERAL PUBLIC INTEREST

We have calculated the increase in the limit on compensation for noneconomic damages on a medical malpractice claim. Pursuant to Section 15-32-220(F), the limit on civil liability for noneconomic damages on a medical malpractice claim is adjusted each fiscal year based on the increase or decrease in the ratio of the Consumer Price Index for All Urban Consumers as of December 31 of the previous calendar year. The adjustment is a cumulative index using a base year 2004. The 2004 base year was adopted to be consistent with the timing of the enacting legislation. As of December 31, 2019, the Index published by the U.S. Department of Labor, Bureau of Labor Statistics, increased by 35.0% from a value of 190.3 in December 2004 to 256.974 in December 2019. Therefore, the limit not to exceed \$350,000 would increase to \$472,625 against a single health care provider and a health care institution for each claimant for civil liability for noneconomic damages on medical malpractice claims when final judgment is rendered. Also, the limit not to exceed \$1,050,000 would increase to \$1,417,880 for all health care providers and all health care institutions for each claimant for civil liability for noneconomic damages on medical malpractice claims. The adjusted limitations on compensation for noneconomic damages become effective upon publication in the *State Register* pursuant to Section 1-23-40(2).

REVENUE AND FISCAL AFFAIRS OFFICE BOARD OF ECONOMIC ADVISORS

NOTICE OF GENERAL PUBLIC INTEREST

We have calculated the increase in the limit on punitive damages awarded to each claimant that is entitled to an award. Pursuant to Section 15-32-530(D), the limit on punitive damage awards is adjusted each calendar year based on the increase or decrease in the ratio of the Consumer Price Index for All Urban Consumers as of December 31 of the previous calendar year. The adjustment is a cumulative index using a base year 2010. The 2010 base year was adopted to be consistent with the timing of the enacting legislation. As of December 31, 2018, the Index published by the U.S. Department of Labor, Bureau of Labor Statistics, "Consumer Price Index for All Urban Consumers", increased by 17.2% from a value of 219.179 in December 2010 to 256.974 in December 2019. Therefore, the limit not to exceed \$500,000 would increase to \$586,220 to each claimant entitled to a punitive damage award. The adjusted limitations on an award for punitive damages become effective upon publication in the *State Register* pursuant to Section 1-23-40(2).

REVENUE AND FISCAL AFFAIRS OFFICE ECONOMIC RESEARCH DIVISION

NOTICE OF GENERAL PUBLIC INTEREST

Pursuant to the South Carolina Code of Laws, Section 15-41-30(B) requires the Economic Research Section of the Office of Research and Statistics of the Revenue and Fiscal Affairs Office to adjust each dollar amount in subsection (A), items (1) through (14), by the change in the Southeastern Consumer Price Index, All Urban Consumers, as published by the U.S. Department of Labor Statistics, for the most recent year ending immediately before January first preceding July first. We computed the change in the index as the change in the average value of the index for the period from January 1, 2019 through December 31, 2019 compared to the average value of the index for the period from January 1, 2006 through December 31, 2006. This percentage change was 26.5 percent. Each dollar amount that represents this change has been rounded to the nearest twenty-five dollars as required by law. I have enclosed a table for you that represents the changes that should be made to each dollar amount in Section 15-41-30(A)(1) through (14).

Section 15-41-30. Property Exempt from Attachment, Levy, and Sales.

Subsection	Amount Specified as of May 22, 2008	Adjusted for Inflation 1/
1	\$50,000	\$63,250
	\$100,000	\$126,475
2	\$5,000	\$6,325
3	\$4,000	\$5,050
4	\$1,000	\$1,275
5	\$5,000	\$6,325
6	\$1,500	\$1,900
7	\$5,000	\$6,325
8	Unspecified	
9	\$4,000	\$5,050
10	Unspecified	
11	Unspecified	
12	Unspecified	
13	Unspecified	
14	Unspecified	
15	\$3,000	2/

Notes: All calculations made by the Economic Research Section of the Office of Research and Statistics of the Revenue and Fiscal Affairs Office.

1/ Dollar amounts are adjusted by the change in the Southeastern Consumer Price Index, All Urban Consumers, for the most recent year ending immediately before January first preceding July first, and rounded to the nearest twenty-five dollars (Section 15-41-30 (B)).

2/ Pursuant to Section 15-41-30 (B) the dollar amount for item (15) is not adjusted by the change in the Southeastern Consumer Price Index, All Urban Consumers because the Section specifies that only items (1) through (14) in Section 15-41-30 (A) are to be adjusted for inflation in each even-numbered year.

Sources: U.S. Department of Labor, Bureau of Labor Statistics; Legislative Printing and Information Technology Systems (Act 225 of 2007, H.B.3816).

12 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-62, Air Pollution Control Regulations and Standards. Interested persons may submit comments on the proposed amendments to R. Scott Bigleman of the Air Regulation and SIP Management Section, Bureau of Air Quality; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; or via email at biglemrs@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 30, 2020, the close of the drafting comment period.

Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments at 40 CFR Parts 60, 63, and 68 include revisions to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, and Chemical Accident Prevention Provisions.

The Department proposes amending R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and R.61-62.68, Chemical Accident Prevention Provisions, to incorporate by reference federal amendments promulgated from January 1, 2019, through December 31, 2019.

The Department also proposes amending R.61-62.60 to add Subpart UUUUa, which will include provisions for facilitating implementation of the EPA’s “Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units,” also known as the Affordable Clean Energy rule (ACE), as published in the *Federal Register* on July 8, 2019 (84 FR 32520). This proposed amendment is to ensure compliance with federal law.

The Department also proposes amending R.61-62.60 to delete Subpart B - “Adoption and Submittal of State Plans for Designated Facilities.” This subpart incorporates by reference EPA implementing regulations found at 40 C.F.R. Part 60, Subpart B, which is directly applicable to EPA and states. These implementing regulations have been updated through EPA’s promulgation of 40 C.F.R. Part 60, Subpart Ba, which is also directly applicable to EPA and states and need not be incorporated by reference by the Department. The Department therefore proposes to delete R.61-62.60, Subpart B for simplicity and to maintain compliance with federal law.

The Department may also propose other changes to R.61-62, Air Pollution Control Regulations and Standards, as deemed necessary to maintain compliance with federal law. These changes may include corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement of the text of R.61-62 as necessary.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments to maintain compliance with federal law.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-75-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-96, Athletic Trainers. Interested persons may submit comment(s) on the proposed amendments to the Bureau of EMS and Trauma; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; healthregcomm@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 30, 2020, the close of the drafting comment period.

Synopsis:

Pursuant to R.61-96, Athletic Trainers, the Department is the central authority that shall establish and regulate minimum qualifications for those individuals wishing to offer athletic trainer services to the public. The Department proposes amending R.61-96 to update and revise definitions and requirements regarding obtaining licensure, inspections, personnel, training, record maintenance and retention, the incorporation of statutory changes allowing for monetary penalties, and licensure standards. The Department may add language to incorporate current provider-wide exceptions to athletic training services.

The Department may also include stylistic changes, which may include corrections for clarity, readability, grammar, punctuation, codification, and overall improvement of the text.

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

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-61-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-7, Emergency Medical Services. Interested persons may submit comment(s) on the proposed amendments to the Bureau of EMS and Trauma; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; healthregcomm@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 30, 2020, the close of the drafting comment period.

Synopsis:

Pursuant to R.61-7, Emergency Medical Services, the Department is the central authority establishing an emergency medical services program for the state and regulates general licensing, certification, inspection, and training procedures. The Department proposes amending R.61-7 to update and revise definitions and requirements regarding obtaining licensure, inspections, personnel, enforcement, ambulance permits, training, vehicles, medical equipment, patient care, Do Not Resuscitate (“DNR”) Orders, record maintenance and retention, and licensure standards. The Department may add language to incorporate current provider-wide exceptions applicable to emergency management services.

The Department may also include stylistic changes, which may include corrections for clarity, readability, grammar, punctuation, codification, and overall improvement of the text.

14 DRAFTING NOTICES

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

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-140 et seq.

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-24, Licensed Midwives. Interested persons may submit comment(s) on the proposed amendments to the Bureau of Health Facilities Licensing; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; healthregcomm@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 30, 2020 the close of the drafting comment period.

Synopsis:

Pursuant to R.61-24, Licensed Midwives, the Department is responsible for regulating the general licensing, certification, inspection, education requirements, and training procedures for midwives. The Department proposes amending R.61-24 to update and revise definitions and requirements regarding obtaining licensure, inspections, violations, training, responses to medical emergencies, required physician approvals, client records and care, record maintenance and retention, and licensure standards. The Department may add language to incorporate current provider-wide exceptions applicable to midwifery.

The Department may also include stylistic changes, which may include corrections for clarity, readability, grammar, punctuation, codification, and overall improvement of the text.

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

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-260 et seq.

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-75, Standards for Licensing Day Care Facilities for Adults. Interested persons may submit comment(s) on the proposed amendments to the Bureau of Health Facilities Licensing; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; healthregcomm@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 30, 2020, the close of the drafting comment period.

Synopsis:

Pursuant to R.61-75, Standards for Licensing Day Care Facilities for Adults, the Department is responsible for regulating the licensure, certification, inspection, and training procedures of day care facilities for adults. The Department proposes amending R.61-75 to update and revise definitions and requirements regarding obtaining licensure, inspections, violations, training, construction, client records and care, record maintenance and retention, and licensure standards.

The Department may also include stylistic changes, which may include corrections for clarity, readability, grammar, punctuation, codification, and overall improvement of the text.

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

**SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY
CHAPTER 68**

Statutory Authority: 1976 Code Section 41-43-90

Notice of Drafting:

The South Carolina Jobs-Economic Development Authority proposes to repeal Regulations 68-10 through 68-65. Interested persons may submit written comments to Harry Huntley, Executive Director, South Carolina Jobs-Economic Development Authority, 1201 Main Street, Suite 1600, Columbia, South Carolina 29201. To be considered, all comments must be received in writing no later than March 30, 2020.

Synopsis:

The Authority has determined that the Regulations are obsolete, and some are in conflict with existing statutes. It proposes to repeal all the Regulations.

Legislative review of this amendment is required.

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

Statutory Authority: 1976 Code Section 40-1-50

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend the fee schedules for the boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations. The Department further intends to add a fee schedule to publish agency fees in R. 10-1. Interested persons may submit comments to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

South Carolina Code Section 40-1-50(D) requires the Director of the South Carolina Department of Labor, Licensing and Regulation to assess, collect and adjust fees on behalf of each board and commission to ensure that they are sufficient but not excessive to cover the expenses incurred, including the total of the direct and indirect costs to the State, for the operations of each respective board or commission. The Department's Director and Director of Finance and Procurement will conduct a comprehensive review each of the boards' and commissions' fees and will propose necessary adjustments in Chapter 10 at the conclusion of the review. The Department further intends to add a fee schedule to publish agency fees in R. 10-1.

Legislative review of this amendment is required.

16 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF ARCHITECTURAL EXAMINERS CHAPTER 11

Statutory Authority: 1976 Code Sections 40-1-70 and 40-3-60

Notice of Drafting:

The South Carolina Board of Architectural Examiners proposes to amend its regulations to: rename the Intern Development Program as the Architectural Experience Program in R.11-1 and R.11-6; update information regarding submission of applications and payment of fees in R.11-5; amend references to licensure periods for purposes of continuing education in R.11-8.1 to establish biennial as opposed to annual licensure periods; modify and delete language regarding seals and add language regarding minimum construction phase services in R.11-11; delete provisions in the code of ethics in R.11-12; and to clarify additional language in R.11-1, R.11-6, R.11-8.1 and throughout the chapter. Interested persons may submit comments to Lenora Addison-Miles, Administrator, Board of Architectural Examiners, Post Office Box 11329, Columbia, S.C. 29211-1139.

Synopsis:

The South Carolina Board of Architectural Examiners proposes to amend its regulations to: rename the Intern Development Program as the Architectural Experience Program in R.11-1 and R.11-6; update information regarding submission of applications and payment of fees in R.11-5; amend references to licensure periods for purposes of continuing education in R.11-8.1 to establish biennial as opposed to annual licensure periods; modify and delete language regarding seals and add language regarding minimum construction phase services in R.11-11; delete provisions in the code of ethics in R.11-12; and to clarify additional language in R.11-1, R.11-6, R.11-8.1 and throughout the chapter.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS CHAPTER 93

Statutory Authority: 1976 Code Sections 40-1-70 and 40-35-60

Notice of Drafting:

The South Carolina Board of Long Term Health Care Administrators proposes to amend R.93-80 to allow AIT preceptors to supervise up to two AIT candidates concurrently. Interested persons may submit comments to Meredith Buttler, Administrator, Board of Long Term Health Care Administrators, Post Office Box 11329, Columbia, S.C. 29211-1139.

Synopsis:

The South Carolina Board of Long Term Health Care Administrators proposes to amend R.93-80 to allow AIT preceptors to supervise up to two AIT candidates concurrently.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF MEDICAL EXAMINERS
CHAPTER 81**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-47-10

Notice of Drafting:

The South Carolina Board of Medical Examiners proposes to amend R.81-91, regarding election procedures for the Board of Medical Examiners and the Medical Disciplinary Commission. Interested persons may submit comments to Sheridan Spoon, Administrator, Board of Medical Examiners, Post Office Box 11329, Columbia, S.C. 29211-1139.

Synopsis:

The South Carolina Board of Medical Examiners proposes to amend R.81-91, regarding election procedures for the Board of Medical Examiners and the Medical Disciplinary Commission.

Legislative review of this amendment is required.

18 PROPOSED REGULATIONS

Document No. 4959

DEPARTMENT OF CONSUMER AFFAIRS CHAPTER 28

Statutory Authority: 1976 Code Sections 37-6-104, 37-6-402, 37-6-403, 37-6-506, and 58-27-2660

28-78. Sale or Lease of Renewable Energy Facilities. (New)

Preamble:

The South Carolina Department of Consumer Affairs proposes to promulgate R.28-78 to provide consumer protection parameters applicable to the sale or lease of renewable energy facilities, including disclosure requirements, pursuant to Section 58-27-2660.

The proposed regulation will require legislative review.

Notice of Drafting for the proposed regulation was published in the *State Register* on December 27, 2019.

Section-by-Section Discussion

28-78(A) Definitions

Adds new text with reference to Title 37 definitions and additional definitions.

28-78(B) Marketing

Adds new text related to marketing practices and disclosures.

28-78(C) Agreements

Adds new text related to requirements and related disclosures when entering into a renewable generation facility agreement with a consumer.

28-78(D) Right of Rescission

Adds manner by which a consumer may rescind an agreement.

28-78(E) Due Diligence Requirements

Adds new text requiring a retailer to exercise due diligence in the construction/ installation process and utilization of third-party servicers.

28-78(F) Recordkeeping

Adds recordkeeping requirements.

28-78(G) Electronic Delivery of Documents

Adds text outlining the parameters for use of electronic delivery.

28-78(H) Remedies

Adds text regarding the Department's ability to enforce applicable laws, including the regulation.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons are invited to submit their views in writing to Kelly Rainsford, Deputy for Regulatory Enforcement, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, South Carolina 29250-5757. To be considered, comments must be received no later than 5:00 p.m. on March 30, 2020, the close of the comment period. Should a public hearing be requested, the hearing will be held at the Administrative Law Court on April 7, 2020, at 10:00 a.m., 1205 Pendleton Street, Suite 224, Columbia, S.C. 29201.

Preliminary Fiscal Impact Statement:

Implementation of the regulation will not result in a fiscal impact to the State or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Consumer Protections for the Sale or Lease of Renewable Energy Facilities.

Purpose: The purpose of the regulation is to increase consumer protection by providing uniform marketing and contract disclosure requirements for renewable energy facility retailers and their agents.

Legal Authority: 1976 Code Sections 37-6-104, 37-6-402, 37-6-403, 37-6-506, and 58-27-2660.

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

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

Section 58-27-2660(A)(1) requires the Department and the Office of Regulatory Staff to develop consumer protection regulations regarding the sale or lease of renewable energy facilities. The proposed regulation is necessary to provide protections to South Carolina residents buying or leasing renewable energy facilities for a personal, family, or household use. The proposed regulation will ensure that consumer protection measures are undertaken by renewable energy facility retailers and their agents.

DETERMINATION OF COSTS AND BENEFITS:

Initial implementation of this regulation will not require additional resources. However, time from staff attorneys and investigators likely will need to be expended in the enforcement process. The regulation permits the Department to retain funds collected in its enforcement of the regulation, which may offset the resources needed as a result of the broadened authority to oversee the renewable energy generation industry. The framework established by the regulation will provide guidance to renewable energy facility retailers and their agents and curb misleading, deceptive, and bad acts or practices. The increased disclosures to consumers and standardization of the agreements will serve to create a more-educated consumer and will provide the ability to shop around and compare renewable energy facilities. This regulation is intended to protect consumers in the renewable energy marketplace while giving due regard to businesses that act honestly and fairly.

UNCERTAINTIES OF ESTIMATES:

While it is hopeful the industry will comply with the regulation, it is possible the Department may need to pursue enforcement of the regulation requirements. Thus, a finite amount of costs is undetermined due to uncertainty in estimating the number of matters that will warrant intervention and the extent to which any litigation will ensue.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

20 PROPOSED REGULATIONS

Statement of Rationale:

Section 58-27-2660(A)(1) provides that the Department and the Office of Regulatory Staff develop such consumer protection regulations, which shall, at a minimum, include appropriate disclosures to be made by sellers and lessors. Sections 37-6-104, 37-6-402, 37-6-403 and 37-6-506 allow the Department to promulgate regulations necessary for the implementation of the South Carolina Consumer Protection Code. It is necessary to promulgate a regulation to set forth the requisite marketing and contractual disclosure provisions needed to ensure consumer protection for the sale or lease of renewable energy facilities.

Text:

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

Document No. 4958

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Section 13-7-70

61-63. Radioactive Materials (Title A).

Preamble:

The federal Atomic Energy Act of 1954 enables the United States Nuclear Regulatory Commission (“Commission”) to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear material. 42 U.S.C. Section 2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations. *Id.* To renew South Carolina’s ongoing agreement with the Commission, the Department of Health and Environmental Control (“Department”) proposes amendments to R.61-63 for compliance with the Commission’s federal regulatory updates. The proposed amendments add clarifications or corrections to Part II of the regulation. Additionally, the proposed amendments authorize the Department to review their general licensees’ quality assurance program for the use of Commission-approved Type B packaging for transportation of radioactive material as required in NRC Regulation Title 10, Code of Federal Regulation (“CFR”) Part 71.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

The Department had a Notice of Drafting published in the October 25, 2019, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendments:

2.22.5 through subparagraphs 2.22.5.5

Added to allow a general license for transportation of NRC-approved packages.

2.22.6 through subparagraphs 2.22.6.4.2

Added to allow a general license for transportation of foreign-approved packages.

2.22.7 through subparagraph 2.22.7.2

Added to require maintenance of records.

2.22.8 through subparagraphs 2.22.8.3

Added to describe the quality assurance requirements.

2.22.9 through subparagraphs 2.22.9.1
Added to describe the quality assurance organization.

2.22.10 through subparagraphs 2.22.10.3
Added to describe how changes are to be made to quality assurance program.

2.22.11 through subparagraphs 2.22.11.1
Added to describe the quality assurance requirements.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Ms. Lynne Garner of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; garnerld@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on March 30, 2020, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its May 7, 2020, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-63, Radioactive Materials (Title A).

Purpose: The Department proposes amendments to R.61-63 for compliance with federal regulatory updates to 10 CFR Part 71. The Department proposes these amendments in order to renew South Carolina's ongoing agreement with the Commission.

Legal Authority: 1976 Code Section 13-7-70.

Plan for Implementation: Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office.

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

The Department proposes amendments to R.61-63 for compliance with the Commission's federal regulatory updates. The federal Atomic Energy Act of 1954 enables the Commission to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear material. 42 U.S.C. Section

22 PROPOSED REGULATIONS

2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations. The proposed amendments are needed in order to renew South Carolina's ongoing agreement with the Commission. The amendments are beneficial in that they ensure state oversight of required standards.

DETERMINATION OF COSTS AND BENEFITS:

Neither the state nor its political subdivisions will incur additional cost through implementation of this amendment. Existing staff and resources will be utilized to implement this amendment to the regulation. The amendment will not create any significant additional cost to the regulated community since requirements or changes to the regulations will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These amendments seek to ensure an effective regulatory program for radioactive material users under state jurisdiction and protection of the public and worker from unnecessary exposure to ionizing radiation.

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

None. Federal requirements will apply to all affected users. The proposed amendments eliminate possible duplicative or redundant requirements.

Text:

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

Document No. 4960
OFFICE OF REGULATORY STAFF
CHAPTER 111

Statutory Authority: 1976 Code Sections 58-27-2620, 58-27-2630, 58-27-2640, and 58-27-2660

111-10 through 111-66. Lessors of Renewable Energy Facilities. (New)

Preamble:

The Office of Regulatory Staff proposes to add Chapter 111 to provide a consumer protection framework applicable to the lease of renewable energy generation facilities. South Carolina Code Section 58-27-2660(A)(1) provides that the Department of Consumer Affairs and the Office of Regulatory Staff develop such consumer protection regulations, which shall, at a minimum, include appropriate disclosures to be made by sellers and lessors.

Section-by-Section Discussion:

111-10 through 111-66. Adding new solar leasing regulations.

Notice of Drafting was published in the *State Register* on December 27, 2019.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons are invited to submit their views in writing to Andrew M. Bateman, General Counsel, South Carolina Office of Regulatory Staff, 1401 Main Street, Suite 900, Columbia, South Carolina 29201. To be considered, comments must be received no later than 5 p.m. on Monday, March 30, 2020, the close of the comment period. Should a public hearing be requested, the hearing will be held at the Administrative Law Court on April 7, 2020 at 10:00 AM.

Preliminary Fiscal Impact Statement:

Staff time will need to be expended in the enforcement process. However, a finite amount is undetermined due to uncertainty in estimating the number of matters that might warrant intervention and the extent to which any litigation will ensue.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Solar Leasing Consumer Protections.

Purpose: The purpose is to develop consumer protection regulations pursuant to South Carolina Code Section 58-27-2660(A)(1).

Legal Authority: 1976 Code Sections 58-27-2620, 58-27-2630, 58-27-2640, and 58-27-2660.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. ORS will post the regulations on the agency's web site.

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

The Office of Regulatory Staff proposes to promulgate Chapter 111 to provide a consumer protection framework applicable to the lease of renewable energy generation facilities. These are necessary regulations to govern the practices of lessors in order to protect consumers, while ensuring due process when lessors are aggrieved by decisions made by the Office of Regulatory Staff.

DETERMINATION OF COSTS AND BENEFITS:

Staff time will need to be expended in the enforcement process. However, a finite amount is undetermined due to uncertainty in estimating the number of matters that might warrant intervention and the extent to which any litigation will ensue.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

24 PROPOSED REGULATIONS

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

None.

Statement of Rationale :

The creation of these regulations was mandated by South Carolina Code Section 58-27-2660 in order to govern the practices of lessors of renewable energy generation facilities and protect consumers.

Text:

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

Document No. 4848
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CONTRACTOR'S LICENSING BOARD
 CHAPTER 29

Statutory Authority: 1976 Code Section 40-11-60

- 29-2. Group One Licensure Requirements.
- 29-3. Financial Statements.
- 29-4. Inactive License.
- 29-5. Construction Management License Requirements.
- 29-6. Residential Construction Licensure Requirements.
- 29-7. Fees.
- 29-8. Administrative Penalties
- 29-9. Change of Address.
- 29-11. Owner-Prepared Financial Statement.
- 29-12. General Contractors-Highway Classification.
- 29-70. Definitions.
- 29-75. Application, Fees.
- 29-80. Certificate Holder; Grandfathered Qualifier.
- 29-85. Transfer of Qualifications.
- 29-90. Renewals.
- 29-95. Contract Bids, Awards.
- 29-100. Exemptions.
- 29-105. Plan Review Fees.
- 29-110. Violations, Complaints.

Synopsis:

The South Carolina Contractor's Licensing Board proposes to amend its regulations to repeal the following regulations: R.29-2, 29-4, 29-6, 29-70, 29-75, 29-80, 29-85, 29-90, 29-95, 29-100, 29-105, and 29-110. The Board further intends to add the language of 29-11 into 29-3. Finally, the Board intends to amend R.29-3, 29-5, 29-7, 29-8, 29-9, and 29-12.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

29-2. Repealed.

29-3. Financial Statements.

(A) Where an applicant is required to have a financial statement submitted by a certified public accountant or public accountant, the board may accept a financial statement based on "Other Comprehensive Basis of Accounting" (OCBOA) or on an accepted international accounting standard that, if the certified public accountant or public accountant provides a statement indicating if the financial statement had been prepared according to "General Accepted Accounting Principles" (GAAP), the financial requirements would be met.

(B) Financial statements must be submitted in English.

(C) The board may accept a financial statement based upon a foreign currency if the applicant provides adequate documentation that shows the net worth of the company, converted to United States dollars, meets or

26 FINAL REGULATIONS

exceeds the net worth and other financial requirements of the appropriate license group in which the applicant is applying.

(D) The latest revision of a financial balance sheet form (FBS) issued by the Department must be completed by an owner filing an owner-prepared financial statement. The Department will furnish this form to all applicants for initial licensing or renewal in the applicable group limitations. The form must contain assets, liabilities and total net worth of the licensee.

29-4. Repealed.

29-5. Construction Management Licensure Requirements.

(A) An architectural or engineering entity acting as a construction manager shall file a letter or application with the department designating one professional license of a full-time employee employed by the entity to qualify the entity for the practice of construction management pursuant to Section 40-11-320.

(1) The letter or application shall ask the department to list the entity as a construction manager. The letter or application shall include the following: the applicant's name and license number to be listed as a construction manager; the name should be the exact name used by the applicant when conducting business on a daily basis; list the type of license and license number of the employee qualifying the entity as a construction manager.

(2) A proper financial statement pursuant to Section 40-11-260 must be submitted with the letter or application. The financial statement must be for the entity.

(B) A general or mechanical contractor acting as a construction manager shall file a letter or application with the department designating one of their primary qualifying parties as the employee that will qualify the entity for the practice of construction management. The entity shall comply with the other requirements of this regulation.

29-6. Repealed.

29-7. Fees.

(A) Fees shall be as specified in Chapter 10 of the Code of Regulations or as may be modified in accordance with law.

(B) Fees, except replacement fees, may be adjusted on a biennial basis as appropriate.

29-8. Administrative Penalties.

Administrative penalties assessed pursuant to a citation under Section 40-11-100 shall be for the following:

(A) entering into a contract with an unlicensed contractor for work to be performed for which a license is required; or

(B) failure to obtain a building permit as required by a local or state government before engaging in construction; or

(C) failure to provide information, records, or documents as requested by the department; or

(D) failure to notify the department of changes in information required in an original or renewal application;

or

(E) contracting or offering to contract for construction work exceeding the limitations of a license group or outside the classification or subclassification of a license; or

(F) engaging or offering to engage in contracting without a valid license as required under this chapter; or

(G) submitting a bid without a valid license when one is required by law; or

(H) awarding or accepting a bid or signing a contract for a project when the contractor is not properly licensed;

or

(I) failure to timely notify the department of changes in the licensee's current mailing address, business street address, and business telephone number.

29-9. Change of Address.

(A) Each licensee must maintain a current mailing address, business street address, and business telephone number.

(B) Each licensee must notify the department within fifteen days of any changes listed above in (A).

29-11. Repealed.

29-12. General Contractors-Highway Classification.

Any contractor that has been issued all of the following license classifications referenced in Section 40-11-410(2) will be designated as HIGHWAY (HY) on the license card and license certificate:

- (1) Bridges; and
- (2) Concrete Paving; and
- (3) Asphalt Paving; and
- (4) Grading, and
- (5) Highway Incidental.

ARTICLE 6

[Regulations Administering Fire Protection Sprinkler Systems Act]

Repealed.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The Board proposes repealing Regulations 29-2, 29-4, 29-6, 29-70, 29-75, 29-80, 29-85, 29-90, 29-95, 29-100, 29-105, and 29-110 as they are unnecessary or duplicative of statute. Regulation 29-11 is added to the related 29-3. Regulations 29-3, 29-5, 29-7, 29-8, 29-9, and 29-12 are amended to conform to existing practice and law.

Document No. 4852

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
CHAPTER 93**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-35-60

93-60. Board of Examiners; Officers and Duties.

93-70. Additional combination of education and experience acceptable by the Board; Criminal Background Check; Completion of probation and parole.

93-80. Administrator-in-Training Program Requirements.

93-110. Examination; Scheduling and Grading.

93-130. Provisional Licenses.

Synopsis:

The South Carolina Board of Long Term Health Care Administrators proposes to amend R.93-60 to correct the Board name, 93-70(D) to conform to the mandates of statute, 93-80(D) to clarify employment requirements for preceptors, 93-110(B) to remove a phrase indicating an examination is two parts; 93-110(K) to amend the language to allow the applicant to appear before the Board to request an opportunity to re-take the exam; and 93-130 to delete language regarding the failure to appear for an examination.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

28 FINAL REGULATIONS

Text:

93-60. Board of Long Term Health Care Administrators; Officers and Duties.

A. The Board shall elect annually from among its members a chairman and vice-chairman who together shall constitute the executive committee.

B. The chairman shall preside at all meetings of the Board and shall sign all official documents of the Board, unless otherwise assigned to the Executive Director. In the absence of the chairman, the vice chairman shall preside at meetings and perform all duties usually performed by the chairman.

93-70. Additional combination of education and experience acceptable by the Board; Criminal Background Check; Completion of probation or parole.

A. In addition to the requirements in South Carolina Code Ann. Section 40-35-40(B), the following combination of education and experience shall be acceptable for consideration of a community residential care facility administrator:

(1) A South Carolina licensed nursing home administrator that has been a practicing nursing home administrator for two or more years shall not be required to have on-site work experience at a community residential care facility under the supervision of a licensed community residential care facility administrator.

B. A person applying to become an administrator of a facility licensed under this article including, but not limited to, nursing homes and community residential care facilities shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine state criminal history and a federal fingerprint review to be conducted by the Federal Bureau of Investigation to determine other criminal history. If a fee is charged by the Federal Bureau of Investigation for the fingerprint review, it must be paid by the person applying for administrator. Where facility licensees are governmental agencies, the criminal background check must be obtained on the individual who is the administrator of the governmental facility. The Board may deny an application for licensure where the results of the check meet the misconduct provisions of these regulations.

C. Any applicant who has been declared ineligible to take the examination shall be given written notification by the Board of disqualification, the reasons, and his right to a hearing.

D. If an applicant has been convicted of a felony or misdemeanor involving moral turpitude by any state or federal court of competent jurisdiction thereof, the applicant may not be permitted to take the examination for licensure. If the applicant submits to the Board a copy of the certificate of pardon granted by the board of parole that indicates, among other things, that the applicant has completed all sentences including all periods of probation or parole, the Board may consider this document in its review of prior criminal convictions. In the case of a conviction in any jurisdiction wherein the laws do not provide for a certificate of pardon, an equivalent written statement or document may be submitted.

93-80. Administrator-in-Training Program Requirements.

A. A person shall be permitted to participate in the AIT program who submits sound evidence satisfactory to the board that the candidate meets the following criteria:

(1) Nursing home administrator AIT candidates must have earned a Baccalaureate degree or higher from an accredited college or university or must be enrolled in a course of study that will award such a degree on completion.

(a) For nursing home administrator AIT candidates with a Baccalaureate degree or higher in health care administration or a related health care degree, the duration of an AIT internship shall be six months.

(b) For nursing home administrator AIT candidates with a Baccalaureate degree other than a health care administration degree, the duration of an AIT internship shall be nine months.

(2) Community residential care facility administrator AIT candidates must have earned at least an Associate's degree from an accredited college or university or must be enrolled in a course of study that will award such a degree upon completion.

(a) For community residential care facility administrator AIT candidates with a Baccalaureate degree or higher, the duration of the AIT internship shall be three months.

(b) For community residential care facility administrator AIT candidates with a health related Associate's degree, the duration of the AIT internship shall be six months.

(c) For community residential care facility administrator AIT candidates with a nonhealth-related Associate's degree or who are licensed practical nurses, the duration of the AIT internship shall be nine months.

B. An AIT candidate must register with the Board by completing a Board-approved form and submitting the registration fee of \$25.00. After approval the Board shall issue an AIT training permit to the applicant valid for up to one year. If the preceptor or AIT terminates the program, the Board will invalidate the permit immediately.

C. The candidate may indicate a preceptor of his choice from a list of Board-approved preceptors. It shall be the responsibility of the candidate to contact the preceptor to determine if the preceptor will accept the AIT. Once a preceptor accepts an AIT, this must be reported to the Board. The preceptor shall not train an employer or supervisor.

D. The preceptor shall meet the following criteria:

- (1) Currently licensed in this state;
- (2) Have no disciplinary sanctions against the license;

(3)(a) The Nursing Home Administrator preceptor shall be licensed for three years preceding the date of application as a preceptor, be a licensed nursing home administrator and be employed by the facility licensed pursuant to the regulations promulgated by the Department of Health and Environmental Control.

(b) The Community Residential Care Facility Administrator preceptor shall be licensed for two years preceding the date of application as a preceptor, be a licensed community residential care administrator and be employed by a facility, with at least 24 beds, licensed pursuant to the regulations promulgated by the Department of Health and Environmental Control.

E. The preceptor must register on an approved form with the Board. The Board may, for good cause, refuse to approve or renew a preceptor.

F. A preceptor shall supervise no more than one AIT concurrently.

G. The preceptor will evaluate the background and experience of the AIT to determine specific areas of concentration. The preceptor and AIT will then design a course of study and present it to the Board for approval. The curriculum shall follow the guidelines set forth in a standards manual approved by the Board. A recoupment fee for the manual not to exceed \$50.00 will be imposed on the preceptor.

H. The preceptor shall maintain a current checklist in the facility tracking progress of the AIT. This checklist may be requested and reviewed at any time by the Board. On completion of the program, the checklist shall be submitted with the final report and evaluation.

I. At the end of the AIT program, the preceptor will submit a final report and evaluation of the AIT on Board approved forms stating whether the AIT has satisfactorily completed all requirements. The final report and evaluation will become part of the AIT's permanent record with the Board.

J. Any change in preceptor requires notice to and approval by the Board. An internship which has been discontinued by a period of military service shall be allowed to be completed within a year after the service. The Board must receive notice in the event of discontinuance of training for any other reason and the AIT must comply with section (B) upon recommencement of the program.

K. The preceptor shall notify the AIT of his performance as the program progresses. If the performance is not acceptable, the preceptor will inform the AIT, and the AIT will be given the opportunity to correct the deficiencies.

L. Following the completion of the AIT program:

(1) the nursing home administrator AIT may apply for licensure as a nursing home administrator as delineated in Regulation 93-70 but is not required to complete any of the qualifying work experience set forth in Regulation 93-70(A)(1).

(2) the community residential care facility administrator AIT may apply for licensure as a community residential care facility administrator as delineated in Regulation 93-70 but is not required to complete any of the qualifying work experience set forth in Regulation 93-70(A)(2).

93-110. Examination; Scheduling and Grading.

A. Examinations are available year round through computer-based testing.

B. The Board shall administer the examinations.

(1) Nursing home administrator applicants will sit for an examination. The national portion is prepared by the National Association of the Boards of Examiners for Long Term Care Administrators (NAB). The South

30 FINAL REGULATIONS

Carolina portion is prepared by the South Carolina Board and examines applicants on regulations promulgated by the Department of Health and Environmental Control as they relate to Nursing Homes.

(2) Community Residential Care Facility Administrator applicants will sit for an examination. The national portion is prepared by the National Association of the Boards of Examiners for Long Term Care Administrators (NAB). The South Carolina portion is prepared by the South Carolina Board relating to regulations promulgated by the Department of Health and Environmental Control as they relate to Community Residential Care Facilities.

C. The content, form, and character of the examination shall be the same for all applicants on any one examination.

D. The grade standards shall be provided to each applicant prior to the examination.

E. Every nursing home applicant for licensure shall be required to pass the NAB examination. In addition, each applicant must pass a State examination approved by the board at a raw score of seventy-five (75%) percent.

F. Every community residential care facility applicant shall be required to pass the NAB examination. In addition, the applicant must pass a State examination approved by the board with a raw score of seventy-five (75%) percent.

G. The Board shall provide to each applicant who completes an examination a report of their examination scores. Applicants shall be provided with a documented report of the results of each examination.

H. The Board shall not disclose the grade levels achieved by an applicant to anyone outside the Board except upon written authorization of the applicant.

I. A nursing home applicant who is sitting for the first time for both the national and South Carolina portions of the examination and who receives a passing score in either portion shall be entitled to receive credit for the portion passed and to be re-examined during the next scheduled examination only on the portion not passed. Credit for passing either portion of the examination may be extended upon the approval of the Board.

J. A community residential care facility applicant who is sitting for the first time for both the national and South Carolina portions of the examination and who receives a passing score in either portion shall be entitled to receive credit for the portion passed and to be re-examined during the next scheduled examination only on the portion not passed. Credit for passing either portion of the examination may be extended upon the approval of the Board.

K. An applicant who has failed to pass the examination three times must petition the Board if he desires to pursue licensure.

93-130. Provisional Licenses.

A. In the event of an unexpected vacancy caused by the death of an administrator, departure of an administrator, or similar event, the Board may issue a provisional license to an applicant who has met the requirements in South Carolina Code Ann. Section 40-35-40 and as provided in regulation and has paid the initial application fee, but who has not passed the examination.

B. An applicant for a provisional license shall submit a complete application. The application shall also include a letter from the owner of the facility of which the applicant will be appointed the administrator or from an officer of the facility's board of directors, which states all of the following:

- (1) The need for a provisional license;
- (2) The name of the appointed administrator;
- (3) The date of the appointment;
- (4) A specific request that the Board issue a provisional license to the named administrator.

C. An applicant shall remit the provisional license fee after receiving notice that the application has been approved. A letter of provisional licensure shall be issued after receipt of the fee.

D. The Department of Health and Environmental Control shall be notified of the issuance of each provisional license.

E. A provisional license will expire 90 days from issue or upon the issue of an initial license, whichever occurs first. A request for extension must be made in writing prior to the expiration date and must state extenuating circumstances if the provisional licensee has not taken the appropriate examination. No provisional license can be renewed so as to extend more than 180 days from the date first issued.

F. If the provisional nursing home licensee does not pass either the national or South Carolina portions of the examination, the provisional license will be extended until the applicant takes the next scheduled examination, provided the facility engages the services of a consultant administrator for a minimum of sixteen (16) hours per

month. The consultant administrator must have a minimum of two years of experience operating a facility. If the applicant fails the examination the second time, the provisional license will be terminated at the end of the provisional license period.

G. If the provisional community residential care facility licensee does not pass either the national or South Carolina portions of the examination, the provisional license will be extended until the next scheduled examination, provided the community residential care facility engages the services of a consultant administrator for a minimum of sixteen (16) hours per month. The consultant administrator must have at least two years experience of operating a facility. If the provisional licensee fails the examination the second time, the provisional license will be terminated at the end of the provisional license period.

H. All applicable fees apply for the second application and second examination.

I. A provisional license cannot be transferred to another individual.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The updated regulations will delete certain language within R.93-70(D) as it exceeds statutory authority. Additionally, the proposed regulations would amend: R.93-60 to correct the Board name from “Examiners” to “Long Term Health Care Administrators”; 93-80(D) to clarify employment requirements for preceptors; 93-110 to remove a phrase indicating an examination is two parts; 93-110(K) to amend the language to allow the applicant to appear before the Board to request an opportunity to re-take the exam and 93-130 to delete language regarding the failure to appear for an examination.

Document No. 4961
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
 CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

Article 1, Subarticles 6 and 7
 Occupational Safety and Health Standards

The South Carolina Department of Labor, Licensing and Regulation, Division of Occupational Safety and Health, hereby promulgates the following revisions to South Carolina regulations:

In Subarticle 6 (General Industry):

Revisions to Section Appendix A to 1910.134 Respiratory Protection as amended in Federal Register Volume 84, No. 187, dated September 26, 2019, pages 50755 through 50756; and revisions to Sections 1910.23 Ladders, 1910.25 Stairways, 1910.27 Scaffolds and Rope Descent Systems, 1910.29 Fall Protection Systems and Falling Object Protection – Criteria and Practices, 1910.140 Personal Fall Protection, and 1910.269 Electric Power Generation, Transmission, and Distribution as amended in Federal Register Volume 84, No. 242, dated December 17, 2019, pages 68795 through 68797.

In Subarticle 7 (Construction):

Revisions to Section 1926.1124 Beryllium as amended in Federal Register Volume 84, No. 189, dated September 30, 2019, page 51400.

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the OSHA Standards Office at (803) 896-5811 or on the OSHA website at www.OSHA.gov.