

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2023 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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

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2 EXECUTIVE ORDERS

Executive Order No. 2023-37

WHEREAS, the undersigned has been notified of the passing of Reverend Lester P. Branham, Jr., who previously served as a member of the South Carolina House of Representatives; and

WHEREAS, in addition to his dutiful service as a member of the South Carolina House of Representatives, Reverend Lester P. Branham, Jr. previously served the State of South Carolina as a member of the Board of Trustees for Florence County School District No. 3 and in various other state and local capacities; and

WHEREAS, Reverend Lester P. Branham, Jr. was a dedicated public servant, principled leader, tireless advocate for his State and constituents, and devoted father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; and

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

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Friday, October 27, 2023, in honor of Reverend Lester P. Branham, Jr. and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 25th DAY OF OCTOBER, 2023.**

HENRY MCMASTER
Governor

Executive Order No. 2023-38

WHEREAS, on October 14, 2022, the undersigned issued Executive Order No. 2022-32, suspending Earl Morell from office as a member of the Town Council of the Town of Allendale, pursuant to article VI, section 8 of the South Carolina Constitution, following notification of his indictment by a Grand Jury convened in Allendale County with one count of Criminal Sexual Conduct with a Minor, Second Degree, in violation of section 16-3-655(B)(1) of the South Carolina Code of Laws, as amended; and

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

WHEREAS, the Office of the Solicitor for the Fourteenth Judicial Circuit recently notified the undersigned that on October 23, 2023, Earl Morell pleaded guilty to one count of Criminal Sexual Conduct with a Minor, Third Degree, in violation of section 16-3-655(C) of the South Carolina Code of Laws, as amended; and

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

WHEREAS, in accordance with section 5-7-200 of the South Carolina Code of Laws, as amended, “[a] mayor or councilman shall forfeit his office if he . . . is convicted of a crime involving moral turpitude,” and the resulting vacancy in office “shall be filled for the remainder of the unexpired term at the next regular election or at a special election if the vacancy occurs one hundred eighty days or more prior to the next general election”; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself, regardless of whether it is punishable by law as a crime,” involves “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man,” or otherwise includes conduct “contrary to justice, honesty[,] and good morals,” *State v. Horton*, 271 S.C. 413, 414–15, 248 S.E.2d 263, 263–64 (1978); *see also Baddourah v. McMaster*, 433 S.C. 89, 112, 856 S.E.2d 561, 573 (2021) (“Under South Carolina’s moral turpitude framework, we focus ‘primarily on the duty to society and fellow man [that] is breached by the commission of the crime.’”); and

WHEREAS, upon consideration of the circumstances presented, the undersigned has determined that Earl Morell pleaded guilty to “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution, *see State v. McFarlane*, 279 S.C. 327, 332, 306 S.E.2d 611, 614 (1983) (“criminal sexual conduct with a minor in any degree is a crime of moral turpitude”); and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution and other applicable law, the office and seat previously held by Earl Morell on the Town Council of the Town of Allendale shall be declared vacant and the vacancy filled as may be provided by law.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare vacant the office and seat previously held by Earl Morell on the Town Council of the Town of Allendale and said vacancy shall be filled as provided by law. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 25th DAY OF OCTOBER, 2023.

HENRY MCMASTER
Governor

4 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **November 24, 2023**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

Affecting Chesterfield County

Coastal Health, LLC

Establishment of a Home Health Agency in Chesterfield County at a total project cost of \$50,000.00.

Affecting Darlington County

Coastal Health, LLC

Establishment of a Home Health Agency in Darlington County at a total project cost of \$50,000.00.

Affecting Lee County

Coastal Health, LLC

Establishment of a Home Health Agency in Lee County at a total project cost of \$50,000.00.

Affecting Marlboro County

Coastal Health, LLC

Establishment of a Home Health Agency in Marlboro County at a total project cost of \$50,000.00.

Affecting Sumter County

Coastal Health, LLC

Establishment of a Home Health Agency in Sumter County at a total project cost of \$50,000.00.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

SOUTH CAROLINA HEALTH PLAN AND REGIONAL PUBLIC HEARINGS

NOTICES

With the advice of the South Carolina State Health Planning Committee, the Department of Health and Environmental Control (Department) has prepared a draft South Carolina Health Plan for use in the administration of the Certificate of Need Program. Interested persons may submit written comments to the SC Department of Health and Environmental Control, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201; CONinfo@dhec.sc.gov; or the Certificate of Need Comment Form <https://forms.office.com/g/JSYYRR7kmV>. To be considered, the Department must receive comments no later than 5:00 PM on December 27, 2023, the close of the comment period.

The draft South Carolina Health Plan is available for review at <https://scdhec.gov/index.php/healthcare-quality/certificate-need-con>.

The Department will be conducting regional public hearings pursuant to S.C. Code § 44-7-180(C) to allow public review and comment regarding the draft of the South Carolina Health Plan. A court reporter will be present for

anyone wishing to make a public comment. It is recommended, but not required, that anyone wishing to make a comment bring a written version of their comment for the court reporter. DHEC will conduct these public hearings *beginning at 10:30 a.m.* at the locations listed below according to the following schedule and agenda:

SCHEDULE

Date	Region	Address
Tuesday, December 5, 2023	Lowcountry	Charleston Health Department 3685 Rivers Avenue N. Charleston, SC 29405
Wednesday, December 6, 2023	Midlands	First Choice Community Center 217 Park Terrace Drive Suite 100 Columbia, SC 29212
Tuesday, December 12, 2023	Upstate	Spartanburg Health Department 120 Dillon Drive Spartanburg, SC 29307
Wednesday, December 13, 2023	PeeDee	Florence County Health Department Annex 1705 West Evans Street Florence, SC 29501

Agenda

- Call to Order – 10:30 AM
- DHEC Presentation
- Explanation of the Public Hearing Process
- Receipt of Public Comment
- Adjournment

6 PROPOSED REGULATIONS

Document No. 5263
CLEMSON UNIVERSITY
CHAPTER 27
Statutory Authority: 1976 Code Section 46-13-30

27-1070. Definitions.

27-1071. Registration of Pesticides.

27-1078. Certification and Licensing of Commercial Applicators.

27-1083. Pesticide Application Assurance, Vehicle Identification, Applicator Records Maintenance, and Direct Supervision.

27-1085. Standards for Prevention or Control of Wood-destroying Organisms.

Preamble:

These proposed changes to the existing pesticide regulations consist of wording corrections, deletions and additions to provide greater clarity to readers, as well as to provide increased efficiencies and improvements in how these regulations are carried out.

Section-by-Section Discussion:

27-1070. Definitions.

Add new text as listed below.

27-1071. Registration of Pesticides.

Add new text as listed below.

27-1078. Certification and Licensing of Commercial Applicators.

Correction of typographical error and add new text as listed below.

27-1083. Pesticide Application Assurance, Vehicle Identification, Applicator Records Maintenance, and Direct Supervision.

Delete and replace with new text as listed below.

27-1085. Standards for Prevention or Control of Wood-destroying Organisms.

Delete and replace with new text as listed below. Add new text as listed below.

The Notice of Drafting was published in the *State Register* on September 22, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

The public comment period will be open through December 29, 2023. If more than 25 requests are received for a public hearing, one will be scheduled at 10:00 a.m. on January 9, 2024, at the Clemson University Regulatory Services, 511 Westinghouse Rd., Pendleton, SC 29670 location.

Interested parties should submit written comments to Dr. Stephen E. Cole, Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670, no later than 5:00 p.m. on December 29, 2023.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

The proposed changes and update to these regulations are based upon the need to provide greater efficiency within Clemson and to provide greater clarity to user groups and consumers.

DESCRIPTION OF REGULATION: These regulations set forth all registration and application requirements for pesticide use in South Carolina, including enforcement and penalty provisions for violation of these provisions.

Purpose: Pesticide regulation in South Carolina sets forth standards and practices related to the sale, distribution and safe use of all pesticides. This includes pesticide registration, applicator certification and recertification, and a comprehensive field investigation and inspection program focused on consumer protection, as well as protection of real property and the environment.

Legal Authority: 1976 Code Section 46-13-30.

Plan for Implementation: State trade associations have been notified of these proposed changes. Communication with these associations will be ongoing throughout this process. Compliance assistance will be provided for the initial 6 months of implementation and will be enforced without assistance after the initial 6 months.

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

These proposed regulations are in alignment with other neighboring states and to meet the minimum standards for federal pesticide regulations from the US EPA.

DETERMINATION OF COSTS AND BENEFITS:

No anticipated costs for the majority of changes that consist of clarification of existing regulations. Costs will be minimal for new regulations related to Right of Way, as many of the right-of-way pesticide companies in South Carolina are already in compliance with these proposed regulations.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation changes will continue the safe and effective use of pesticides in South Carolina.

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

In the absence of mandatory licensing for Right of Way applications, there is no minimum competency standard that can be enforced for the application of general use pesticides for this type of pest control activity.

Statement of Rationale:

Upon a thorough review of this chapter, changes to address errors in grammar and spelling, as well as providing clarity on uncertain statements need to be made. Additionally, the Right of Way (ROW) category has been moved to mandatory licensing to create consistency in South Carolina with other categories and align the requirement with adjacent states. Adding the requirement of a qualitative detection kit for wood treatment allows Clemson to detect and require correction to substandard subterranean termite treatments during construction.

8 PROPOSED REGULATIONS

Overall, these changes will increase the accuracy and consistency of these pesticide regulations as they are carried out in South Carolina.

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. 5262
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation.

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 25, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on January 9, 2024, at 9:00 a.m. If no request is received by December 28, 2023, the hearing will be canceled. Written comments may be directed to James Hollis, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 27, 2023.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Meat Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be “at least equal to” applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

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

Plan for Implementation: The state meat inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

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. 5261
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulation.

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

10 PROPOSED REGULATIONS

The Notice of Drafting was published in the *State Register* on August 25, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on January 9, 2024 at 9:00 a.m. If no request is received by December 28, 2023, the hearing will be canceled. Written comments may be directed to Dr. James Hollis, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 27, 2023.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Poultry Products Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be “at least equal to” applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

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

Plan for Implementation: The state poultry inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

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. 5265
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394

61-16. Minimum Standards for Licensing Hospitals and Institutional General Infirmaries.

Preamble:

Pursuant to S.C. Code Sections 44-7-250 and -260(A)(1), the Department of Health and Environmental Control (“Department”) establishes and enforces minimum standards for the licensure, maintenance, and operation of hospitals to ensure the safe and appropriate treatment of persons served in this state. The Department proposes to amend the R.61-16 for consistency with current statutory requirements, update and revise definitions, licensure requirements, staff and training, reporting, disaster management, accommodations for patients, patient care and services, design and construction, fire protection and life safety, and policies and procedures. It contains a section-by-section discussion and justification for the proposed amendments. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the July 28, 2023 *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendments:

Section	Type of Change	Purpose
Entire Regulation	Technical Corrections	Amended to clarify references to “Facilities” includes both Hospitals and Institutional General Infirmaries and references to “Hospitals” includes only hospitals. Amended to remove “DHEC” from references to certain Regulations – “DHEC Regulation 61-25”. See, e.g., Section 1501.
Table of Contents	Technical Correction Reorganization	Amended language and sections to reflect technical corrections and reorganization proposed in regulation text.
101.E.1. Definitions. General Hospital.	Revision	Amended to be consistent with changes from 2023 Act No. 20.
101.E.2. Definitions. Specialized Hospital.	Revision	Amended to be consistent with changes from 2023 Act No. 20.

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Section	Type of Change	Purpose
101. Definitions. Privately Owned Educational Institutional Infirmary.	Deletion	Deleted definition.
201. License Requirements. 201.F.	Addition	Added requirement to make payment of all fees prior to issuance of licenses.
201. License Requirements. 201.G.	Revision	Amended to clarify method of fee payment.
201. License Requirements. 201.H.3.	Technical Correction	Amended to delete the language “or replacement”.
201. License Requirements. 201.H.4.	Technical Correction	Amended to delete the word “or”.
201. License Requirements. 201.H.5.	Technical Correction	Amended to add the word “or”.
201. License Requirements. 201.H.6.	Addition/Technical Correction	Added language to clarify an amended license shall be requested for move of a facility.
202. Exemptions to Licensing Standards.	Technical Correction/ Revision	Amended to replace “exemption” with “variance” and to add language to provide clarity regarding variances to licensing standards.
New 300. Enforcing Regulations and Enforcement Actions.	Revision/Deletion/ Reorganization	Amended to title section as Enforcing Regulations “and Enforcement Actions.” Deleted former 400, Enforcement Actions, and recodified former 401, general, as 304, and former 402, violation classifications, as 305. Deleted former 401.B.
New 400. Policies and Procedures.	Addition/Technical Correction/Reorganization	Amended to create section specifically to address policy and procedures.
New 401. General.	Addition/Technical Correction/Reorganization	Amended to add clarifying language and to recodify the section.
New 402. Quality of Care.	Addition	Added requirements to have quality assessment and performance improvement program.
New 403. Security.	Revision/Reorganization	Reorganized to move previous Section 905 to Section 403, with certain minor amendments. .
502. Control.	Deletion/Revision	Removed language in section and revised to clarify governing body and control requirements.
503. Chief Executive Officer.	Revision	Amended for clarification.
504. Medical Staff Appointment. (II)	Revision/ Reorganization	Amended to remove and clarify language; amended to re-letter the section for consistency;

Section	Type of Change	Purpose
		amended to add Section 44-7-266(A) requirement .
505. Nursing Services. (II)	Deletion/Revision/ Reorganization/	Amended to remove and add language for clarification; amended to re-letter the section for consistency.
506. Employees. (II)	Deletion/Revision/ Reorganization/	Amended to remove and add language for clarification; amended to re-letter the section for consistency.
507. Job Orientation and In-Service Training.	Deletion/Reorganization	Amended and reorganized to remove and clarify language.
508. Plans and Training for Fires and Other Internal Emergencies. (II)	Deletion/ Reorganization	Amended to delete this section and move it to Section 2005.
701. Fire Report.	Deletion/Reorganization	Amended to delete this section and move it to new section 2003.
New 701. Incident Reports.	Revision/Reorganization	Amended to remove “accident and/or,” and add “s” to end of reports in title; amended to add clarifying language and to recodify to section 701; amended to clarify and add reporting obligations to the Department.
New 702. Loss of Essential Services.	Addition	Added new language for reporting losses of essential services.
703. Facility Closure.	Revision	Amended to change lower case “f” in word facility to capital “F;” amended to remove and add language in last paragraph for clarification.
704. Zero Census.	Revision	Amended to change lower case “f” in word facility to capital “F;” amended by adding language to clarify numbers in writing; amended by deleting language.
705. Joint Annual Report.	Revision	Amended to clarify language.
706. Hospital Infections Disclosure Act (HIDA) & Reporting Requirements. (I)	Revision	Amended to clarify language.
New 900. Emergency Preparedness.	Revision	Amended to re-name section to specifically address hazardous events outside those considered a disaster.
New 901. All-Hazards Emergency Operations Plan.	Revision/Technical Correction/Reorganization	Amended to change title of section from Emergency Evacuation; amended to remove and clarify language; amended to add language for clarification; amended to re-letter the section

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Section	Type of Change	Purpose
		for consistency; added subsection F regarding communication with local emergency agencies.
902. Internal Medical Surge.	Technical Correction/Revision/Reorganization	Amended to change lower case “f” in word facility to capital “F;” amended to remove and clarify language; amended to add language for clarification; amended to re-letter the section for consistency.
903. External Medical Surge.	Technical Correction/Revision/Reorganization	Amended to remove and clarify language; amended to add language for clarification; amended to re-letter this section for consistency.
904. Emergency Call Data. (I)	Deletion	Amended to remove and clarify language.
905. Security.	Technical Correction/Reorganization	Amended to delete this section and move it to Section 403.
1001. Maximum Number of Beds.	Addition	Amended to add language for regarding the Facility’s ability to setup beds.
1002. Location of Beds.	Revision	Amended to add language for clarification.
1105. Contents.	Revision/Technical Correction/Reorganization	Amended to remove and clarify language; amended to add language for clarification; amended to re-number this section for consistency.
Section 1200. Patient Care and Services.	Revision/Reorganization	Amended Section 1200 to have 1201 addressing basic facility functions and 1202 addressing optional hospital services.
New 1201.A. Pharmaceutical Services.	Revision/Technical Correction/Reorganization	Added pharmaceutical services which incorporates applicable federal Medicare standards; reorganized to delete and relocate some of the provisions in former 1201, Medications, 1204, Pharmacy Services, 1205, Drug Distribution and Control, 1206, Physical Facilities and Storage, and 1207, labeling of medications.
New 1201.B. Radiological Services.	Revision/Technical Correction/Reorganization	Added radiological services which incorporates applicable federal Medicare standards; deleted former 1203, Radiology.
New 1201.C. Laboratory Services.	Revision/Technical Correction/Reorganization	Added laboratory services which incorporates applicable federal

Section	Type of Change	Purpose
		Medicare standards; deleted former 1202, Laboratory.
New 1201.D. Emergency Services.	Revision/Technical Correction/Reorganization	Amended to add language regarding hospitals' provision of emergency services, including classification of such services the provision of off-campus emergency services, and address diversion. Reorganized to delete and relocate some of the standards at former 1214, Emergency Services .
New 1201.E. Central Supply.	Technical Correction/Reorganization	Amended to relocate former 1208, Central Supply, to Section 1201.E; amended to re-number the section for consistency.
New 1202.A. Surgical Services.	Revision/Technical Correction/Reorganization	Added surgical services which incorporates applicable federal Medicare standards and parts of former 1209, surgery; partially relocated former 1211, Equipment, to 1202.A.2.g; deletes former 1210, facilities, and 1216, dental surgery; amended to add language for clarification; amended to re-letter the section for consistency.
New 1202.B. Anesthesia Services.	Revision/Technical Correction/Reorganization	Added anesthesia services which incorporates applicable federal Medicare standards; deleted former 1212, Anesthesia
New 1202.C. Nuclear Medicine Services.	Addition	Added nuclear medicine services which incorporates applicable federal Medicare standards.
New 1202.D. Outpatient Services.	Revision/Technical Correction/Reorganization	Added outpatient services which incorporates applicable federal Medicare standards; deletes former 1213, outpatient services.
New 1202.E. Rehabilitation Services.	Revision/Technical Correction/Reorganization	Added rehabilitation services which incorporates applicable federal Medicare standards; deletes former 1217, physical therapy, and 1218, occupational therapy.
New 1202.F. Psychiatric Services.	Revision/Technical Correction/Reorganization	Added psychiatric services which incorporates applicable federal Medicare standards; relocates former 1219, psychiatric services, to 1202.F.

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Section	Type of Change	Purpose
New 1202.G. Respiratory Care Services.	Addition	Added respiratory care services which incorporates applicable federal Medicare standards.
New 1202.H. Inpatient Dialysis Services.	Revision/Technical Correction/Reorganization	Relocated former 1215, inpatient dialysis services, to 1202.H, and adds language regarding quality of care.
New 1202.I. Chemical and Substance Abuse Treatment Services.	Revision/Technical Correction/Reorganization	Relocated former 1220, chemical and substance abuse treatment services, to 1202.I, and adds language regarding quality of care.
New 1202.J. Pediatric Services.	Revision/Technical Correction/Reorganization	Relocated former 1221, pediatrics, to 1202.J, and adds language regarding quality of care.
1900. Design, Construction, Repairs, Alterations, and Additions.	Revision/Technical Correction	Amended to create new title for section – Design, Construction, Repairs, Alterations, and Additions.
1901. General.	Revision	Amended to delete and add language for clarification.
1902. Codes and Standards.	Revision	Amended to delete and add language for clarification of applicable codes.
1903. Submission of Plans.	Revision/Addition	Amended to delete and add language for clarification of the Department’s review of certain construction projects.
1904. Constriction Inspections.	Technical Correction/Revision	Amended to remove inspections and add permits to title; amended to delete and add language for clarification.
1905. Patient Rooms.	Revision	Amended to delete and add language for clarification.
1907. Nurses Station.	Revision	Amended to delete and add language for clarification.
1908. Utility Rooms.	Revision/Addition	Amended to delete and add language for clarification; added provision regarding nourishment rooms.
1909. Temperature and Humidity.	Deletion	Deleted this section as it is covered under mechanical section.
New 2003. Fire Reports.	Revision/reorganization	Amended to add language from former 701, fire report.
New 2004. Fire Safety.	Addition	Added language regarding compliance with adopted codes concerning fire safety.
New 2005. Plans and Training for Fires.	Revision/reorganization	Amended to add language from former 508, plans and training

Section	Type of Change	Purpose
		for fires and other internal emergencies, and clarify certain requirements.
New 2006. Tests and Inspections.	Addition	Added language regarding testing and maintenance of fire systems.
New 2007. Gases.	Addition	Added language regarding safety precautions for administration of oxygen.
New 2008. Furnishings and Equipment.	Addition	Added language regarding maintenance of furnishings/equipment and fire safety.
Section 2100. Preventive Maintenance of Life Support Equipment.	Revision	Amended for correct grammar/spelling.
Section 2200. General.	Deletion	Deleted section.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Healthcare Quality; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; HQRegs@dhec.sc.gov; or the Public Comment Form at <https://forms.office.com/g/9VMEXLWtq0>. To be considered, the Department must receive the comment(s) by 5:00 p.m. on December 27, 2023, 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 February 8, 2024, 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/Agenda>.

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/>.

Preliminary Fiscal Impact Statement:

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

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: 61-16, *Minimum Standards for Licensing Hospitals and Institutional General Infirmaries*.

Purpose: The Department proposes to amend R.61-16, *Minimum Standards for Licensing Hospitals and Institutional General Infirmaries*, for consistency with statutory requirements, to update and revise definitions,

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license requirements and fees, staff and training, reporting, disaster management, accommodations for patients, patient care and services, design and construction, fire protection, prevention and life safety, and policies and procedures. The proposed amendments may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

Legal Authority: 1976 Code Sections 44-7-110 through 44-7-394.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, 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 amendments are necessary to incorporate changes in state law as well as changes to current practices and standards. The amendments incorporated consistency with statutory requirements, to update and revise definitions, license requirements and fees, staff and training, reporting, disaster management, accommodations for patients, patient care and services, design and construction, fire protection, prevention and life safety, and policies and procedures. Many of the proposed amendments align the licensing standards with the Federal Regulation for coverage with Medicare (*see* 42 C.F.R. Part 482), which are applicable to a substantial amount of existing facilities. Finally, the proposed amendments relating to fees update the manner and method of fees such that there are more convenient and efficient transactions with the Department.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these proposed amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these proposed amendments. There are no anticipated additional costs to the regulated community.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments will have no effect on the environment of this State. These regulations contribute to the Department's function of protecting public welfare and promoting safety and wellbeing for patients receiving care and treatment from hospital facilities and institutional general infirmaries.

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

There is no anticipated detrimental effect on the environment. If the proposed revision is not implemented, the regulation will be maintained in its current form; the benefits of the proposed amendments herein will not be realized.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

These revised regulations are updated to ensure alignment with current state laws and to update and revise definitions, license requirements and fees, staff and training, reporting, disaster management, accommodations for patients, patient care and services, design and construction, fire protection, prevention and life safety, and policies and procedures.

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. 5264
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394

61-91. Standards for Licensing Ambulatory Surgical Facilities.

Preamble:

Pursuant to S.C. Code Sections 44-7-250 and 44-7-260(A)(4), the Department establishes and enforces the minimum standards for the licensure, maintenance, and operation of ambulatory surgical facilities to ensure the safe and appropriate treatment of persons served in this state. In accordance with 2023 Act No. 20 (S.164), the Department proposes amending R.61-91 to promulgate regulations concerning the provision of uncompensated indigent/charity care required pursuant to S.C. Code Section 44-7-266(B) and -(C), including related definitions, licensure requirements, reporting requirements, and enforcement. Additionally, the Department proposes amending the regulation to address the required quality of care, services, and treatment provided by facilities and to prescribe the manner and method of fee payments. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the August 25, 2023, South Carolina State Register.

Section-by-Section Discussion of Proposed Amendments:

Section	Type of Change	Purpose
101	Reorganization	Recodification of definitions due to additions of new definition.
101.B, 101.J, 101.M, 101.N, 101.W, 101.X, 101.Z, 101.AA, 101.MM, 101.NN, 101.HHH, 101.III, 101.JJJ	Addition	Added definitions for clarity.
103.G	Addition	Added requirement to make payment of fees before the Department’s issuance of a license.
103.H	Revision	Revised for clarification.
103.N.1 and 103.N.2	Addition	Language added in accordance with ACT 20.
202.F and 202.G	Addition	Inspection and Construction fees added for clarification.
401.A and 402.B	Revision	Revised to clarify requirements for policies and procedures, the time period for reviewing

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Section	Type of Change	Purpose
		policies and procedures, and their accessibility to staff.
503	Addition	The governing body section added to address quality of care, services and treatment provided by facilities.
504, 505, 506, 507, 508, and 509	Reorganization	Recodification of section due to addition of section 503.
601.B.7	Addition	Added “with adverse reaction” to be consistent with other regulations.
801.D	Addition	Added a new section for transfer agreements.
804.B	Addition	Added to be consistent with federal regulation and to address quality of care.
804.C	Reorganization	Recodified due to the addition of 804.B.
901.A	Deletion	Deletion of incorrect reference to SC Code.
1201.A	Addition	Added emergency equipment requirements.
1504.E	Addition	Added requirement concerning collection, transportation, and storage of contaminated equipment.
1601.C	Addition	Added requirements concerning governing body involvement with the quality improvement program to be consistent with federal regulations and to address quality of care.
2006.E	Revision	Revised the minimum toilet fixture requirement.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Healthcare Quality; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; HQRegs@dhec.sc.gov, or the Public Comment Form at <https://forms.office.com/g/9VMEXLWtq0>. To be considered, the Department must receive the comment(s) by 5:00 p.m. on December 27, 2023, 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 February 8, 2024, 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/Agenda>.

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/>.

Preliminary Fiscal Impact Statement:

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

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: Regulation 61-91, *Standards for Licensing Ambulatory Surgical Facilities*.

Purpose: The Department proposes promulgating provisions concerning uncompensated indigent/charity requirements set forth in S.C. Code Section 44-7-266(C). See 2023 Act No. 20 (S.164). The Department is further proposing amendments related to quality of care, services and treatment provided by ambulatory surgical facilities and the manner and method of fee payments.

Legal Authority: 1976 Code Sections 44-7-110 through 44-7-394.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, 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 proposed amendments are required to implement newly enacted statutory requirements concerning uncompensated indigent/charity care set forth in S.C. Code Section 44-7-266(C). Further, the proposed amendments will further provide for the quality of care, services, and treatment offered and provided at ambulatory surgical facilities in this State. Many of the proposed amendments relating to quality of care are consistent with the conditions of coverage set forth in Federal Regulation for participation in the Medicare (*see* 42 C.F.R Part 416), which are applicable to a substantial amount of existing facilities. Finally, the proposed amendments relating to fees update the manner and method of fees such that there are more convenient and efficient transactions with the Department.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these proposed amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these proposed amendments. There are no anticipated additional costs to the regulated community.

UNCERTAINTIES OF ESTIMATES:

None.

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EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments will have no effect on the environment of this State. These regulations contribute to the Department's function of protecting public welfare and promoting safety and wellbeing for patients receiving care and treatment from ambulatory surgical facilities.

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

There is no anticipated detrimental effect on the environment. If the proposed revision is not implemented, the regulation will be maintained in its current form; the benefits of the proposed amendments herein will not be realized.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

These revised regulations are updated to implement new statutory requirements concerning uncompensated indigent/charity care, and to ensure the safety and wellbeing of patients of ambulatory surgical facilities.

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. 5260
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-11-310, 50-11-350, 50-11-390, 50-11-500,
50-11-530, 50-11-2200, and 50-11-2210

123-52. Individual Antlerless Deer Tags, Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day.

Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations antlerless deer limits for private lands in Game Zone 2. The following is a section-by-section summary of the proposed changes and additions:

Section-by-Section Discussion:

123-52. Individual Antlerless Deer Tags, Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day.

1. Makes bonus antlerless deer tags valid in Game Zone 2.
2. Changes antlerless deer limit from 5 to 8 in Game Zone 2.

The Notice of Drafting was published in Volume 47, Issue No. 10 of the *State Register* on October 27, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on January 4, 2024, at 10:00 am in Room 335 of the Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than December 29, 2023.

Preliminary Fiscal Impact Statement:

The amendment of Regulation 123-52 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Need and Reasonableness:

Need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11). Periodic modifications to bag limits are necessary to balance wildlife populations and public opportunity.

DESCRIPTION OF REGULATION:

Purpose: These amendments to Regulations 123-52 increase the bag limit for deer in Game Zone 2 from 5 to 8.

Legal Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-500, 50-11-520, 50-11-530, 50-11-2200, and 50-11-2210.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate new bag limit in the annual Rules and Regulations Brochure. The public will be notified through this publication and through news releases and other Department media outlets and publications.

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

Periodically, bag limits are changed to increase public opportunity while meeting management objectives for specific species.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state, the public or to the sporting community. Amendment of these regulations will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any negative impacts on public health or the environment.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to the public and hinder management objectives for deer in Game Zone 2.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations. Management objectives for specific properties are continually evaluated for needed changes. Best available science regarding population status is used to make decisions in order to balance population management objectives with social expectations and hunting opportunity.

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. 5259

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-9-640, 50-11-300, 50-11-500, 50-11-510, 50-11-525, 50-11-530, 50-11-540, 50-11-544, 50-11-546, 50-11-580, and 50-11-2200

123-51. Turkey Hunting Rules and Seasons.

Preamble:

The Department of Natural Resources proposes to amend Regulation 123-51 “Turkey Hunting Rules and Seasons.” The subject of the proposed action is to amend the regulations to prescribe seasons, dates, bag limits, and details of hunting and taking of turkeys on Wildlife Management Areas. The following is a summary of the proposed changes and additions:

Section-by-Section Discussion:

123-51. Turkey Hunting Rules and Seasons.

(1)(B)(4)(c) Removes restriction of hunting turkey by drawing only and allows hunting Thursday through Saturday at Belfast WMA.

(1)(C)(6)(c) and (d) Removes restriction of hunting turkey by drawing only and allows hunting Thursday through Saturday. Specifies turkey hunting is for youth only at Santee Cooper WMA.

(1)(C)(8)(c) Removes restriction of hunting turkey by drawing only and allows hunting Thursday through Saturday at Donnelley WMA.

(1)(C)(9)(c) and (d) Removes restriction of hunting turkey by drawing only and allows hunting Thursday through Saturday. Specifies turkey hunting is for youth only at Bonneau Ferry WMA.

(1)(C)(15)(c) Removes restriction of hunting turkey by drawing only and allows hunting Thursday through Saturday at Wateree WMA.

(1)(D)(20) Adds Turkey hunting regulations for Bobwhite Hills WMA. Hunting season prescribed April 1 – April 30, Bag limit 1 turkey and turkey hunting is allowed Thursday through Saturday.

The Notice of Drafting was published in the *State Register* on October 27, 2023. Volume 47, Issue No. 10.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on January 4, 2024, at 10:00 am in Room 335 of the Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than December 29, 2023.

Preliminary Fiscal Impact Statement:

The amendment of Regulation 123-51 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Need and Reasonableness:

Need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11). New regulations must be filed to establish seasons, bag limits and methods of hunting and taking of turkey on these WMAs to expand use opportunities. Amendments are needed to allow additional public hunting opportunity and remove the restriction turkey hunting by draw only.

DESCRIPTION OF REGULATION:

Purpose: To amend Regulation 123-51 to prescribe seasons, dates, bag limits, and details of hunting and taking of turkeys on Wildlife Management Areas.

Legal Authority: 1976 Code Sections 50-9-640, 50-11-300, 50-11-500, 50-11-510, 50-11-525, 50-11-530, 50-11-540, 50-11-544, 50-11-546, 50-11-580, and 50-11-2200.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure. The public will be notified through this publication and through news releases and other Department media outlets, publications, and email.

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

Periodically, property uses, seasons, and bag limits are changed to increase public opportunity while meeting management objectives for specific properties. Additionally, properties may be added to the WMA Program through acquisition or availability of additional lease opportunities. New properties require the establishment of regulations through the Administrative Procedures Act. Additionally, changing circumstances sometime require modification of existing regulations. The changes proposed below provide increased public opportunity.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. This amendment of these regulations will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit state and local governments.

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UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any negative impacts on public health or the environment.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to the public.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and establishing public hunting and recreation areas. SCDNR seeks to balance the objectives of resource protection and public use and access. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

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. 5267
PUBLIC SERVICE COMMISSION
CHAPTER 103

Statutory Authority: 1976 Code Sections 58-3-140, 58-9-720, and 58-9-810

- 103-612. Data to Be Filed with the Commission and Provided to the ORS.
- 103-614. Interruption of Service.
- 103-621. Customer Deposits.
- 103-623. Adjustment of Bills.
- 103-628. Complaints.
- 103-631. Directories.
- 103-652. Testing Facilities.
- 103-663. Service Standards.
- 103-680. Role of the Advisory Committee.
- 103-681. Committee Name.
- 103-682. Composition of the TRS Advisory Committee.
- 103-683. Meetings.
- 103-684. Commission Approval.
- 103-690. Designation of Eligible Telecommunications Carriers.
- 103-690.1. Annual Reporting Requirements for Designated Eligible Telecommunications Carriers.

Preamble:

The Public Service Commission of South Carolina Staff began conducting its formal review of all its regulations under S.C. Code Ann. Section 1-23-120(J) when it opened Docket No. 2020-247-A on Wednesday, October 14, 2020. The Commission Staff, after it opened Docket No. 2020-247-A, provided the opportunity for interested stakeholders to recommend changes to the Commission’s Article 6, Telecommunications Utilities Regulations via written comments and oral comments at its publicly noticed workshops.

Section-by-Section Discussion:

103-612.	Amended	Adding information to be included on the Authorized Utility Representative Form (e.g., email address, regulatory officer, annual report, dual party invoice, universal service fund, gross receipts, and Lifeline (ETCs only)), and punctuation
103-614.	Amended	Amended to state that service outages lasting more than twenty-four hours shall be reported to the Commission and an electronic copy shall be provided to the Office of Regulatory Staff
103-621.3.	Amended	Amended to state interest on a deposit shall cease to draw interest on the date notice is sent to the customer’s last known address, by bill insert, electronically, or by any other method of notice selected by the utility customer and maintained in the customer’s records at the telephone utility
103-623.1.	Amended	Amended to state the utility must pay interest according to S.C. Code Ann. Section 34-31-20(A) when the customer is willfully overcharged
103-628.	Amended	Amended to include the phrase “the regulated” and to make a word plural
103-631.	Amended	Amended to update telephone directories published by telephone utilities, including, but not limited to, provide a customer directory should be made available upon a customer’s request and to delete the requirement that all telephone utilities must provide a

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		copy of each directory to all the utilities' customers
103-652.	Amended	Amended to add the word "reasonably"
103-663.2.	Amended	Amended to include the symbol "<" and make the word "installation" plural
103-680.	Deleted	Deleted due to the repeal of S.C. Code Ann. Section 58-9-2540
103-681.	Deleted	Deleted due to the repeal of S.C. Code Ann. Section 58-9-2540
103-682.	Deleted	Deleted due to the repeal of S.C. Code Ann. Section 58-9-2540
103-683.	Deleted	Deleted due to the repeal of S.C. Code Ann. Section 58-9-2540
103-684.	Deleted	Deleted due to the repeal of S.C. Code Ann. Section 58-9-2540
103-690.	Amended	Amended to update and include citations to federal law and to delete reference and citation inconsistent with federal law
103-690.1.	Amended	Amended to delete references (equal access and Link Up) inconsistent with federal law; include reference to federal law (47 C.F.R. Part 54, Subpart E); require certain information be provided to the Commission and to the ORS; require the progress report on the service quality improvement plan be submitted at the level of designation; and require reports to contain a commitment by wireless applicants to comply with the current Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service; delete "June 30, 2008, and thereafter annually by" under "Filing Deadlines" and delete "copies of responses to the Lifeline Verification Survey or Certification filed with the Universal Service Administrative Company on August 31st of each year" under 103-690.1B(b)(10)

The Notice of Drafting was published in the *State Register* on May 26, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to the Public Service Commission of South Carolina, Clerk’s Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210, and interested persons may file comments by using the methods outlined in Commission Order No. 2019-748. Please reference Docket No. 2023-157-A in written comments. To be considered, the Public Service Commission must receive the comments by 4:45 p.m. on January 8, 2024.

The Public Service Commission will conduct a public hearing on the proposed amendments to its regulations on February 15, 2024, at 10:00 a.m. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulations at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11):

DESCRIPTION OF REGULATION: Article 6, Telecommunications Utilities.

Purpose: The purpose of the proposed changes to the Commission’s Article 6 Telecommunications Utilities Regulations can be described generally as updating the filing content for Authorized Telephone Utility Representative information that is filed with the Commission and a copy provided to the Office of Regulatory Staff (ORS); requiring service outages lasting more than 24 hours to be reported to the Commission and to the ORS; providing for the cessation of interest on deposits and the mode for communicating the cessation of interest on customer deposits; including statutory reference to govern the rate of interest assessed when a utility willfully overcharges a customer; requiring a customer directory be made available upon a customer’s request; deleting sections that contradict state law; and including references to applicable federal laws.

Legal Authority: 1976 Code Sections 58-3-140, 58-9-720, and 58-9-810.

Plan for Implementation: The proposed changes will take effect upon approval by the General Assembly and publication in the State Register. The Commission’s Clerk’s Office will also publish a copy of the final regulations on the Commission’s Docket Management System in Docket No. 2023-157-A.

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

The purpose of the proposed changes to Article 6, Telecommunications Utilities Regulations is to increase transparency and efficiency; conforming the Regulations to state law; and including references to appropriate state and federal laws.

DETERMINATION OF COSTS AND BENEFITS:

The Commission, the public, and the regulated community will benefit from the proposed changes to Article 6 Telecommunications Utilities Regulations by updating the Regulations to conform to current state law; referencing relevant state and federal laws; including efficient business practices, such as amendments to the Customer Directories regulations by requiring directories be provided to customers upon request and allowing the cessation of interest on deposits to cease when notice is sent to the customer by bill insert, electronically, or by any other method selected by the utility customer.

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UNCERTAINTIES OF ESTIMATES:

Unknown, but minimal if they exist.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Changes to Article 6 Telecommunications Utilities Regulations are needed to increase efficiency and transparency; to conform the Regulations to state law; and to include references to appropriate state and federal laws.

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. 5266
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
CHAPTER 67
Statutory Authority: 1976 Code Section 42-3-30

67-1602. Payment of Compensation.

Preamble:

The South Carolina Workers' Compensation Commission proposes to amend the regulation that addresses methods of payment by which compensation can be paid.

Section-by-Section Discussion:

67-1602. Payment of Compensation.

1. Revises subsection A to allow the Commission to approve recipients who may accept payments on behalf of claimants.
2. Revises subsection B to clarify the purpose of subsection B.
3. Revises subsection C to make electronic means the default method of payment for temporary disability payments and reimbursements for expenses under Reg. 67-1601.
4. Adds paragraph C(1) to require payers to provide claimants with notice of the method of electronic payment.
5. Adds paragraph C(2) to allow for payers to send payments via a check in the event that a claimant does not respond to the aforementioned notice.
6. Adds paragraph C(3) to allow claimants to opt into payments via checks and require payers to honor these requests.

7. Adds subsection D to allow payers to petition the Commission for the right to make payments via checks within two (2) years of the effective date of the regulation. Payers must show that they would undergo hardship without this right.

8. Deletes the old subsection E.

9. Adds a new subsection E to set forth requirements for payers who use an electronic payment method.

10. Adds paragraph E(1) to ensure claimants can immediately obtain their electronic payments.

11. Adds paragraph E(2) to ensure that the chosen electronic payment method is easily accessible to claimants.

12. Adds paragraph E(3) to give claimant the option to opt into payments via checks given 30 days notice to payer.

13. Adds subsection G to define when payment via check is considered complete and to require payers via check to keep records of the checks they send.

14. Revises subsection I (formerly subsection G) to clarify claimants' recourse for late payments and errant suspension or termination of benefits. This revision specifies that recourse can be taken by filing a WCC Form 50 Employee's Request for Hearing.

The Notice of Drafting was published in the *State Register* on October 27, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at the South Carolina Workers' Compensation Commission, 1333 Main Street, Suite 500, Columbia, SC 29201 on January 22, 2024, at 10:30 a.m. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be cancelled.

Written comments may be directed to Gary Cannon, Executive Director, South Carolina Workers' Compensation Commission, 1333 Main Street, Suite 500, Columbia, SC 29201 and may be submitted electronically to gcannon@wcc.sc.gov, no later than January 18, 2024.

Preliminary Fiscal Impact Statement:

There are no anticipated costs incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

Following input from stakeholders that regularly appear before the Commission, the Commission needs to amend Regulation 67-1602 to make payment by electronic means the default method of payment for temporary disability and reimbursements.

DESCRIPTION OF REGULATION:

Purpose: To make payment by electronic means the default method of payment for temporary disability and reimbursements.

Legal Authority: 1976 Code Section 42-3-30.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon Publication in the State Register. The Commission will notify stakeholders of the revised regulation by posting notice on the Commission's website.

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

The proposed regulation is necessary to facilitate quick and accessible payments to claimants.

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DETERMINATION OF COSTS AND BENEFITS:

There are no additional costs expected to be incurred by the Commission or our stakeholders as a result of this change.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There is no anticipated effect on the environment of this state as a result of this change.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

Due to the quick, traceable, and accessible nature of electronic payment systems, Regulation 67-1602 is being revised to make payment by electronic means the default method of payment for temporary disability and reimbursements.

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. 5214
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

15-27. Consolidated Report of Income and Expenses.

Synopsis:

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-27 to establish a consistent rule for submission of Reports of Condition for banks, savings banks, savings and loan associations, and trust companies, which shall be the same as is required for their federally-chartered counterparts.

Legislative review of this regulation is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1) and (2).

The Notice of Drafting was published in the *State Register* on June 23, 2023. The Proposed Regulation was published in the *State Register* on August 25, 2023.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

15-27. Reports of Condition.

All South Carolina state-chartered banks, savings banks, savings and loan associations, and trust companies shall file with the Office of the Commissioner of Banking, Board of Financial Institutions, a Report of Condition, as described in S.C. Code Sections 34-3-380 and 420, on a quarterly basis, within 30 Calendar days after the end of the preceding calendar quarter.

Fiscal Impact Statement:

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

Statement of Rationale:

Regulation 15-27 addresses “Consolidated Report of Income and Expenses” for banks, which are referred to as “Reports of Condition” in the current Code. The State Board of Financial Institutions proposes amending this regulation to establish a consistent rule for submission of Reports of Condition for banks, savings banks, savings and loan associations, and trust companies, which shall be the same as is required for their federally-chartered counterparts.

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Document No. 5218
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

15-2. Limitations and Restrictions on Borrowing by Savings and Loan Institutions.

Synopsis:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-2 in order to allow state-chartered savings and loan institutions to borrow money without written approval by BOFI, in the same manner as a state-chartered bank.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(2).

The Notice of Drafting was published in the *State Register* on June 23, 2023. The Proposed Regulation was published in the *State Register* on August 25, 2023.

Instructions:

Repeal the regulation in its entirety.

Text:

15-2. Repealed.

Fiscal Impact Statement:

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

Statement of Rationale:

Regulation 15-2 prohibits state-chartered savings and loan institutions from borrowing money without written approval by the State Board of Financial Institutions. Deleting this regulation will allow these institutions to borrow money without written approval by the State Board of Institutions, in the same manner as a state-chartered bank.

Document No. 5220
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

15-41. Limitations and Restrictions on Real Estate Mortgages.

Synopsis:

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-41 to provide state-chartered credit unions with parity to federal credit unions and consistency among institutions in South Carolina by incorporating the Interagency Appraisal and Evaluation Guidelines.

Legislative review of this regulation is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(3).

The Notice of Drafting was published in the *State Register* on June 23, 2023. The Proposed Regulation was published in the *State Register* on August 25, 2023.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

15-41. Limitations and Restrictions on Real Estate Mortgages.

Except as hereinafter provided, no credit union shall make any loan or advance of credit of any nature secured by a mortgage of real estate (either direct or assigned as collateral) or by any other instrument giving or purporting to give a lien on real estate until it shall have first secured the following:

(a) A certificate of title or other satisfactory certificate of insurance as to the title of the property and the status of all assessed taxes. Such certificate shall be made and dated after the mortgage is recorded.

(b) An appraisal of the mortgaged premises in writing. Unless otherwise instructed by the State Board of Financial Institutions or the Commissioner of Banking, when making loans secured by real estate mortgages, credit unions shall follow the Interagency Appraisal and Evaluation Guidelines as federally chartered institutions are permitted to do.

Fiscal Impact Statement:

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

Statement of Rationale:

Regulation 15-41 sets forth rules for credit unions when making loans or advancing credit secured by a mortgage of real estate. The State Board of Financial Institutions proposes to amend this regulation to provide parity with federal credit unions and consistency among institutions in South Carolina by incorporating the Interagency Appraisal and Evaluation Guidelines.

Document No. 5206
STATE BOARD OF FINANCIAL INSTITUTIONS
 CHAPTER 15
 Statutory Authority: 1976 Code Section 34-1-110

15-7. Loans Secured by Real Estate Mortgages.

Synopsis:

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-7 to provide state-chartered banks, savings banks, and savings and loans with parity with federal banks when appraising real estate for purposes of securing a loan.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1) and (2).

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The Notice of Drafting was published in the *State Register* on June 23, 2023. The Proposed Regulation was published in the *State Register* on August 25, 2023.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

15-7. Loans Secured by Real Estate Mortgages.

Except as hereinafter provided no State-chartered bank, savings bank, or savings and loan association shall make any loan or advance of credit of any nature secured by a mortgage of real estate (either direct or assigned as collateral) or by any other instrument giving or purporting to give a lien on real estate until it shall have first secured the following:

(a) A certificate of title or other satisfactory certificate of insurance as to the title of the property and the status of all assessed taxes. Such certificate shall be made and dated after the mortgage is recorded.

(b) An appraisal of the mortgaged premises in writing. Unless otherwise instructed by the State Board of Financial Institutions or the Commissioner of Banking, when making loans secured by real estate mortgages, State chartered banks, savings banks, and savings and loan associations, shall follow the Interagency Appraisal and Evaluation Guidelines as Federally chartered institutions are permitted to do.

Fiscal Impact Statement:

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

Statement of Rationale:

Regulation 15-7 will be amended to provide that state-chartered banks, savings banks, and savings and loans shall have parity with federal banks when appraising real estate for purposes of securing a loan. The Board of Financial Institutions proposes to amend this regulation to require the use of the Interagency Appraisal and Evaluation Guidelines, which was jointly adopted by the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and the National Credit Union Administration.

Document No. 5211
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

15-8. Published Reports of Condition, Savings and Loan.

Synopsis:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-8 to remove the obsolete requirement for savings and loan associations to publish a report of condition in the newspaper when called upon to do so by the chief examiner.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(2).

The Notice of Drafting was published in the *State Register* on June 23, 2023. The Proposed Regulation was published in the *State Register* on August 25, 2023.

Instructions:

Repeal the regulation in its entirety.

Text:

15-8. Repealed.

Fiscal Impact Statement:

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

Statement of Rationale:

Regulation 15-8 establishes requirements for savings and loan associations to publish a “report of condition” in the newspaper when called upon to do so by the “chief examiner.” The State Board of Financial Institutions proposes deleting this regulation as it is obsolete; moreover, the requirement does not exist for state-chartered banks.

Document No. 5212

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Sections 34-1-110 and 34-26-210

15-53. Reports of Condition. (New)

Synopsis:

The State Board of Financial Institutions (BOFI) proposes a new regulation to be codified as “15-53. Reports of Condition.” This regulation would require that state-chartered credit unions file reports of financial condition with the Agency on a quarterly basis, as federal credit unions are required to do.

Legislative review of this Regulation is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(3).

The Notice of Drafting was published in the *State Register* on June 23, 2023. The Proposed Regulation was published in the *State Register* on August 25, 2023.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

15-53. Reports of Condition.

Credit unions incorporated under Title 34 of the South Carolina Code of Laws shall file quarterly reports of financial condition with the Board of Financial Institutions pursuant to 34-26-260(1). A credit union may fulfill

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this requirement by submitting to the Board the same quarterly report of financial condition which the credit union provides to the National Credit Union Administration.

Fiscal Impact Statement:

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

Statement of Rationale:

The State Board of Financial Institutions proposes Regulation 15-53 requiring that state-chartered credit unions file reports of financial condition with the Agency on a quarterly basis. This requirement may be fulfilled by submitting the same quarterly report of financial condition which the credit union provides to the National Credit Union Administration.