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# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
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of the  
GENERAL ASSEMBLY

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

# ***SOUTH CAROLINA STATE REGISTER***

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

## **STYLE AND FORMAT**

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

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

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

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

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

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

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

**Executive Orders** are actions issued and taken by the Governor.

## **2023 PUBLICATION SCHEDULE**

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

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

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

## **REPRODUCING OFFICIAL DOCUMENTS**

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

## **PUBLIC INSPECTION OF DOCUMENTS**

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

## **ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS**

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

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

## **EMERGENCY REGULATIONS**

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

## **REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW**

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

## **EFFECTIVE DATE OF REGULATIONS**

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

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

## SUBSCRIPTIONS

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 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. No.	RAT. No.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
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5119			Water Classifications and Standards	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5124			Denial of Certification for Misconduct	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5125			Denial of Operator Certification	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5126			Final Agency Decisions	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5127			Holding Contested Case Hearings	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5128			Withdrawal of Certification of Law Enforcement Officers	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
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5118			Vital Statistics	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
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5134			Use of the State Aviation Fund; Procedure for Compliance with Land Use in the Vicinity of Airports	05/10/2023	South Carolina Aeronautics Commission	Regs and Admin Procedures	Transportation
5120			WIC Vendors	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Family and Veterans' Services
5131			Continuing Obligation to Update, Request for Hearing, and Answer	05/10/2023	Workers' Compensation Commission	Regs and Admin Procedures	Judiciary
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5136			Certification of Need for Health Facilities and Services	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
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5150			Establishing Continuing Education for Academic Licenses	05/10/2023	LLR-State Board of Medical Examiners	Regs and Admin Procedures	Medical Affairs
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5132			Updating Regulations to Conform with the Enactment of S.227	05/10/2023	LLR-Panel for Massage/Bodywork	Regs and Admin Procedures	Labor, Commerce and Industry



## 2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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5169	Motor Vehicle Closing Fees		Department of Consumer Affairs	Regs and Admin Procedures	Banking and Insurance

**Executive Order No. 2023-04**

**WHEREAS**, the undersigned has been notified of the passing of Arthur Ravenel, Jr., who previously served as a member of the South Carolina House of Representatives, South Carolina Senate, and United States House of Representatives, representing the State’s First Congressional District; and

**WHEREAS**, in addition to his dutiful service as a member of the South Carolina House of Representatives, South Carolina Senate, and United States House of Representatives, Arthur Ravenel, Jr. previously served the State of South Carolina as a member of the Board of Directors of the Charleston Naval Complex Redevelopment Authority, a member of the Board of Trustees of the Charleston County School District, and in various other state and local capacities; and

**WHEREAS**, prior to his distinguished public service, Arthur Ravenel, Jr. served honorably in the United States Marine Corps; and

**WHEREAS**, Arthur Ravenel, Jr. was a dedicated public servant, principled leader, tireless advocate for his State and his constituents, avid environmentalist, successful businessman, proud son of the Lowcountry, 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 the United States of America; 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(B) of the South Carolina Code of Laws, as amended, provides that “the flags which are flown atop the State Capitol Building must be lowered to half-staff on the day on which funeral services are conducted” “[t]o honor and pay tribute to . . . current and past members of the United States Congress from the State of South Carolina.”

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Friday, January 20, 2023, in honor of Arthur Ravenel, Jr. and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina and the United States of America. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 19th DAY OF JANUARY, 2023.**

**HENRY MCMASTER  
Governor**

**Executive Order No. 2023-05**

**WHEREAS**, the undersigned has been notified that there presently exists a vacancy on Kershaw County Council, in the office and seat representing District Three, due to the resignation of J. Benjamin Connell following his election to the South Carolina House of Representatives; and

**WHEREAS**, pursuant to section 4-9-90 of the South Carolina Code of Laws, as amended, vacancies occurring on the governing body of a county are generally “filled in the manner of original election for the

#### 4 EXECUTIVE ORDERS

unexpired terms in the next general election after the vacancy occurs or by special election if the vacancy occurs one hundred eighty days or more prior to the next general election”; and

**WHEREAS**, a special election for the aforementioned office is scheduled to be held on March 28, 2023; and

**WHEREAS**, the Kershaw County Board of Elections and Voter Registration has confirmed that Derek Shoemake, who prevailed in a primary election conducted on January 24, 2023, is the only candidate in the aforementioned special election for the office and seat representing District Three on Kershaw County Council; and

**WHEREAS**, absent prior action by the undersigned, a vacancy will remain in the office and seat representing District Three on Kershaw County Council such that the residents thereof will be without representation on Kershaw County Council pending the results of the March 28, 2023 special election, which is now uncontested, and qualification of a successor to serve as a member of Kershaw County Council for the remainder of the unexpired term; and

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

**WHEREAS**, for the aforementioned reasons, and in accordance with the cited authorities and other applicable law, the undersigned has determined that it is appropriate under the circumstances presented to appoint a suitable person to serve as a member of Kershaw County Council, in the office in the office and seat representing District Three, until a successor shall qualify as provided by law, *see Op. Att’y Gen.*, 1996 WL 599395, at \*1 (S.C.A.G. Sept. 9, 1996); *see also Bradford v. Byrnes*, 221 S.C. 255, 262, 70 S.E.2d 228, 231 (1952) (“As nature abhors a void, the law of government does not ordinarily countenance an *interregnum*.”); and

**WHEREAS**, Derek Shoemake, of Elgin, South Carolina, is a fit and proper person to serve as a member of Kershaw County Council representing District Three.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Derek Shoemake to serve as a member of Kershaw County Council representing District Three until a successor shall qualify as provided by law. This Order is effective immediately.

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

**HENRY MCMASTER**  
Governor

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

## NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **February 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](mailto:coninfo@dhec.sc.gov).

**Affecting Berkeley County****Roper St. Francis Hospital-Berkeley, Inc. d/b/a Roper St. Francis Berkeley**

Construction for the addition of 12,840 sf to the existing obstetrics unit and addition of 2 labor delivery rooms for a total of 6 labor delivery rooms and 6 nursery bays while maintaining a total of 20 obstetrics beds at a total project cost of \$13,499,994.00.

**Affecting Richland County****Medical University Hospital Authority d/b/a MUSC Health at Home Richland**

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

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **February 24, 2023**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200 or email [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov).

**Affecting Charleston County****Arcis Healthcare d/b/a Lowcountry Orthopedics & Sports Medicine, LLC**

Purchase of a 1.5T MRI scanner at a total project cost of \$1,875,450.00.

**Affecting Greenville County****Imago MRI of Pelham, LLC d/b/a Imago MRI**

Construction of an 1800 sf MRI imaging facility and the purchase of a 3.0T MRI at a total project cost of \$1,872,915.00.

**St. Francis Hospital, Inc. d/b/a St. Francis Downtown**

Renovation of existing 31,686 sf for an addition of 55 acute care beds for a total of 300 beds at a total project cost of 44,585,828.00.

**Affecting Lexington County****Chapin Orthopedic Surgery Center, LLC. d/b/a Chapin Orthopedic Surgery Center**

Renovation for the addition of 4,264 sf to the existing ASF of 10,811 sf for a total of 15,075 sf and the addition of two (2) ORs to the existing two (2) ORs for a total of four (4) ORs at a total project cost of \$5,298,972.00.

## 6 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 published by the U.S. Department of Labor, Bureau of Labor Statistics as of December 31 of the previous calendar year. The adjustment is a cumulative index using a base year of 2004. The 2004 base year was adopted to be consistent with the timing of the enacting legislation. As of December 31, 2022, the index increased by 56.0 percent from a value of 190.3 in December 2004 to 296.797 in December 2022. With this inflation factor, the limit 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 increases to \$545,869. Also, the limit against all health care providers and all health care institutions for each claimant for civil liability for noneconomic damages on medical malpractice claims increases to \$1,637,608. The adjusted limitations on compensation for noneconomic damages become effective upon publication in the State Register pursuant to §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 these awards is adjusted each calendar year based on the increase or decrease in the ratio of the Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor, Bureau of Labor Statistics as of December 31 of the previous calendar year. The adjustment is a cumulative index using a base year of 2010. The 2010 base year was adopted to be consistent with the timing of the enacting legislation. As of December 31, 2021, the index increased by 27.2 percent from a value of 219.179 in December 2010 to 278.802 in December 2021. With this inflation factor the limit increases to \$636,014. The adjusted limitation on an award for punitive damages becomes effective upon publication in the State Register pursuant to § 1-23-40(2).

**STATE ELECTION COMMISSION  
CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

**Notice of Drafting:**

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

**Synopsis:**

The subject of regulations to be considered for promulgation will be (a) the administration of oaths to various persons to be employed in the administration of elections; (b) standards for ballots to be used in elections.

Legislative review of these regulations will be required.

**STATE ELECTION COMMISSION  
CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, and 7-13-325

**Notice of Drafting:**

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

**Synopsis:**

The subject of regulations to be considered for promulgation will be standards for the use of nicknames by candidates for elective office.

Legislative review of these regulations will be required.

**STATE ELECTION COMMISSION  
CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

**Notice of Drafting:**

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

## **8 DRAFTING NOTICES**

### **Synopsis:**

The subjects of regulations to be considered for promulgation will be (a) the definition of various terms relating to elections and the administration of elections; (b) procedures related to election protests; (c) limits on the use of drop boxes.

Legislative review of these regulations will be required.

### **STATE ELECTION COMMISSION**

#### **CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

### **Notice of Drafting:**

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

### **Synopsis:**

The subject of regulations to be considered for promulgation will be (a) procedures for poll worker training; (b) candidate withdrawals from consideration for elective office.

Legislative review of these regulations will be required.

### **STATE ELECTION COMMISSION**

#### **CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

### **Notice of Drafting:**

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

### **Synopsis:**

The subject of regulations to be considered for promulgation will be requirements for county boards of voter registration and elections to make certain reports to the State Election Commission. The required reports will include but not be limited to: (a) reports of apparent violations of election law under Title 7 of the South Carolina Code; (b) reports of violations of other state law that may impact the conduct of elections; (c) reports of lawsuits or notices of anticipated legal action that may impact the conduct of elections; (d) reports relating to candidates for elective office; (e) reports relating to offices to be the subject of elections. Regulations stating deadlines for providing such reports may also be proposed.

Legislative review of these regulations will be required.

**STATE ELECTION COMMISSION  
CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

**Notice of Drafting:**

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws and other applicable South Carolina law. The new regulations will apply to the sale of voter registration lists. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

**Synopsis:**

The subject of regulations to be considered for promulgation will be the sale by the State Election Commission of voter registration lists.

Legislative review of these regulations will be required.

**STATE ELECTION COMMISSION  
CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

**Notice of Drafting:**

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

**Synopsis:**

The subject of regulations to be considered for promulgation will be (a) standards for certain types of services provided to county boards of voter registration and elections by third-party vendors; (b) standards applicable to printers hired to print and mail absentee ballots.

Legislative review of these regulations will be required.

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

Statutory Authority: 1976 Code Section 13-7-40(F)(3)&(10)

**Notice of Drafting:**

The Department of Health and Environmental Control (“Department”) proposes amendments to R.61-63, Radioactive Materials (Title A). 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](mailto:garnerld@dhec.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on March 27, 2023, the close of the Notice of Drafting comment period.



## 10 DRAFTING NOTICES

### Synopsis:

Pursuant to 1976 Code Section 13-7-40(F)(3)&(10), the Department promulgates amendments to the Nuclear Regulatory Commission (NRC) regulations Title 10, Code of Federal Regulations (CFR) throughout each calendar year. The Department proposes amending R.61-63 to incorporate corrections made to 10 CFR Parts 20, 30, 35, 37, 40, 70, and 71. These final rules were published in the Federal Register in 85 FR 65656 on November 16, 2020 (RATS ID 2020-3); 86 FR 43397 on August 9, 2021, and 86 FR 47209 corrected version on August 24, 2021 (RATS ID 2021-1); and 86 FR 67839 on November 30, 2021 (RATS ID 2021-2).

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

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 30

Statutory Authority: 1976 Code Sections 48-39-10 et seq.

### Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.30-1, Statement of Policy; R.30-2, Applying for a Permit; R.30-11, General Guidelines for All Critical Areas; R.30-13, Specific Project Standards for Beaches and the Beach/Dune System; and R.30-15, Activities Allowed Seaward of Baseline, the Department’s Coastal Division regulations. Interested persons may submit comment(s) on the proposed amendments to Liz Hartje of the Office of Ocean and Coastal Resource Management; S.C. Department of Health and Environmental Control, 1362 McMillan Avenue, Suite 400, Charleston, S.C. 29405; hartjeen@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 27, 2023, the close of the Notice of Drafting comment period.

### Synopsis:

Pursuant to R.30-1 through 30-21, Coastal Division Regulations, the Department seeks to implement the policies of the S.C. Coastal Zone Management Act (S.C. Code Sections 48-39-10 et seq.) to promote the economic and social welfare of the citizens of this state while protecting the sensitive and fragile areas in the coastal counties and promoting sound development of coastal resources. The Department proposes amending R.30-1, R.30-2, R.30-11.D., R.30-13, and R.30-15, to provide a definition for beach preservation and clarify beach preservation approaches, standards, and requirements for activities in any critical area along or adjacent to the beach.

South Carolina’s beachfront policies and jurisdictional authorities are established under the South Carolina Beachfront Management Act (S.C. Code Sections 48-39-250 et seq.). Over the past three decades, these rules have guided where and how areas along the state’s beachfront can be developed. In 2018, this Act was amended to replace the state’s 40-year policy of retreat with a policy of beach preservation. In 2022, the Department convened the Beach Preservation Stakeholder Workgroup, which represented a wide range of backgrounds and constituencies, to provide input and diverse perspectives on beach preservation in South Carolina. The proposed amendments are based on final recommendations and key findings of the workgroup and associated public engagement and input. The proposed amendments will provide clarity and guidance for regulatory staff and the regulated community and allow the Department to effectively implement the policy of beach preservation.

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

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

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
STATE BOARD OF REGISTRATION FOR FORESTERS  
CHAPTER 53**

Statutory Authority: 1976 Code Sections 40-1-70 and 48-27-80

**Notice of Drafting:**

The South Carolina Board of Registration for Foresters proposes to amend the definition of “quorum” in R.53-4 to be consistent with the definition appearing in the Freedom of Information Act (FOIA), S.C. Code Section 30-4-20(d). Interested persons may submit comments to Pam Dunkin, Administrator, Board of Registration for Foresters, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

**Synopsis:**

The South Carolina Board of Registration for Foresters proposes to amend R.53-4 regarding a quorum of the Board. Presently, the regulation states that four (4) members of the Board shall constitute a “quorum” but no action may be taken without a majority vote in accord. This definition differs from the definition of “quorum” under FOIA, which is “a simple majority of the constituent membership of a public body.” Presently, four (4) members of the Board would constitute a quorum under both the regulation and under FOIA because there are seven (7) statutorily-created seats on the Board. However, it would prove to be problematic if the Board, in the future, has fewer sitting members. Therefore, the Board proposes to amend the definition to be consistent with the definition of quorum under FOIA.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
SOUTH CAROLINA REAL ESTATE COMMISSION  
CHAPTER 105**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-57-60, 40-57-135, 40-57-320, 40-57-340, and 40-57-740

**Notice of Drafting:**

The South Carolina Real Estate Commission proposes to amend various sections of Chapter 105, including but not limited to 105-6, 105-8, 105-10, 105-11, and 105-13. Additionally, the Commission intends to promulgate new regulations that provide more clarity regarding broker supervision and that provide re-examination procedures for those applicants who do not pass the respective licensing exam. Interested parties may submit comments to Meredith Buttler, Administrator, South Carolina Real Estate Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

**Synopsis:**

The South Carolina Real Estate Commission proposes to amend various sections of Chapter 105 to address issues including but not limited to instructor qualifications, instructor renewals, the implementation of a core commercial course in addition to a core residential course, and to remove a reference to an outdated website. The Commission also intends to promulgate new regulations that provide more clarity regarding broker supervision and that provide re-examination procedures for those applicants that do not pass the respective licensing exam.

Legislative review of these amendments is required.

## 12 PROPOSED REGULATIONS

Document No. 5181  
**DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS**  
CHAPTER 88  
Statutory Authority: 1976 Code Section 44-20-220

Article 4. Day Programs for Persons with Intellectual Disability.

### **Preamble:**

The Department of Disabilities and Special Needs proposes to amend Article 4 to provide the procedure for the administration of day programs provided by the Department of Disabilities and Special Needs. Specific sections amended are 88-405, Definitions; 88-410, Personnel; 88-415, Facility; 88-420, Transportation; 88-425, Medical Care; 88-430, Evaluations; 88-435, Program; and 88-440, Records.

### Section-by-Section Discussion:

88-405. Technical Changes to Definitions and Removing Obsolete References.

88-410.

- A. Updating to Current Law and Procedures.
- B. Updating to Current Law and Procedures.
- C. Technical Changes.
- D. Deleted.

88-415. Deleted.

88-420.

- A. Updating to Current Law and Procedures.

88-425.

- A. Updating to Current Law and Procedures.
- B. Updating to Current Law and Procedures.
- C. Updating to Current Law and Procedures.
- D. Updating to Current Law and Procedures.

88-430. Deleted.

88-435.

- A. Updating to Current Law and Procedures.
- B. Updating to Current Law and Procedures.
- C. Updating to Current Law and Procedures.
- D. Added.
- E. Added.
- F. Added.

88-440.

- A. Updating to Current Law and Procedures.
- B. Deleted.
- C. Deleted.
- D. Deleted.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

### **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 before the Department of Disabilities and Special Needs Commission, 3440 Harden Street Extension, Columbia, South Carolina 29203 on April 20, 2023, at 2:00 p.m. Written Comments may be directed to Constance Holloway, Interim State Director/General Counsel, 3440 Harden Street Extension, Columbia, South Carolina 29203. All comments must be received no later than 5:00 p.m. on March 27, 2023, the close of

the drafting comment period. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received, the hearing will be cancelled.

**Preliminary Fiscal Impact Statement:**

There will be no increased cost to the State of its political subdivisions.

**Statement of Need and Reasonableness:**

**DESCRIPTION OF REGULATION:**

Purpose: This article is amended to ensure that requirements for day programs for persons eligible for services through the Department of Disabilities and Special Needs are clearly defined and clarified.

Legal Authority: 1976 Code Section 44-20-220.

Plan for Implementation: The amended regulations will take effect upon approval by the General Assembly and upon publication in the State Register. The Department will notify participants of the regulation by posting it on the agency's website.

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

The proposed regulations are needed to ensure that all day programs are operated under a common set of regulations.

**DETERMINATION OF COSTS AND BENEFITS:**

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

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning these regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment of this State. The public health of the State will be enhanced by public awareness of Department procedures.

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

There will be no detrimental effects on the environment and public health if the regulations are not implemented in this State.

**Statement of Rationale:**

These regulations are added to clarify and state Department roles 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.

## 14 PROPOSED REGULATIONS

Document No. 5180  
**DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS**  
CHAPTER 88  
Statutory Authority: 1976 Code Section 44-20-220

Article 2. Definitions.

### **Preamble:**

The Department of Disabilities and Special Needs proposes to repeal Article 2 in its entirety, as it is no longer needed following the amendments made to the other articles adding a relevant definitions section. Therefore, the Department of Disabilities and Special Needs proposes to repeal Article 2 in its entirety.

### **Section-by-Section Discussion:**

Repeal Article 2 in its entirety.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

### **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 before the Department of Disabilities and Special Needs Commission, 3440 Harden Street Extension, Columbia, South Carolina 29203 on April 20, 2023, at 2:00 p.m. Written Comments may be directed to Constance Holloway, Interim State Director/General Counsel, 3440 Harden Street Extension, Columbia, South Carolina 29203. All comments must be received no later than 5:00 p.m. on March 27, 2023, the close of the drafting comment period. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received, the hearing will be cancelled.

### **Preliminary Fiscal Impact Statement:**

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

### **Statement of Need and Reasonableness:**

#### DESCRIPTION OF REGULATION:

Purpose: This article is repealed in its entirety due to a definitions section being added to other articles in Chapter 88.

Legal Authority: 1976 Code Section 44-20-220.

Plan for Implementation: The repealed regulation will take effect upon approval by the General Assembly and upon publication in the State Register. The Department will notify participants of the regulation by posting it on the agency's website.

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

The current regulation is unnecessary due to the proposed amendments to other regulations in Chapter 88. Therefore, the repeal of Article 2. Definitions. is needed and reasonable.

#### DETERMINATION OF COSTS AND BENEFITS:

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

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning these regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment of this state.

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

There will be no detrimental effects on the environment and public health.

**Statement of Rationale:**

This article is repealed to prevent redundancy in the proposed regulations, which are intended to clarify and state Department roles 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. 5179  
**DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS**  
CHAPTER 88  
Statutory Authority: 1976 Code Section 44-20-220

Article 1. License Requirement for Facilities and Programs.

**Preamble:**

The Department of Disabilities and Special needs proposes to amend Article 1 to provide guidance on license requirements for settings and programs provided by the Department of Disabilities and Special Needs. All sections have been amended and new sections have been added to Article 1.

Section-by-Section Discussion:

88-105. Adding Definitions Section. Subsequent Sections are re-ordered.

88-110.

- A. Adding Disabilities Covered. Updating Name of Department.
- B. Adding (5).
- C. Amending.
- D. Amending.
- E. Updating Name of Department.

88-115.

- A. Technical Changes.
- B. Technical Changes.
- C. Amending.

## 16 PROPOSED REGULATIONS

- D. Technical Changes.
- E. Amending.
- 88-120.
  - A. Amending.
- 88-125.
  - A. Amending.
  - B. Amending.
  - C. Amending.
  - D. Amending.
  - E. Amending.
- 88-130. Amending.
- 88-135. Amending.
- 88-140. Amending.
- 88-145. Adding Annual Licensing Inspections Section.
- 88-150. Adding License Types Section.
- 88-155. Adding Setting Closure Section.
- 88-160. Adding Violations Classifications Section.
- 88-165. Adding Non-Compliance with Licensing Requirements Section.
- 88-170. Adding Provisional License Section.
- 88-175. Re-ordering 88-125 and Amending.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

### **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 before the Department of Disabilities and Special Needs Commission, 3440 Harden Street Extension, Columbia, South Carolina 29203 on April 20, 2023, at 2:00 p.m. Written Comments may be directed to Constance Holloway, Interim State Director/General Counsel, 3440 Harden Street Extension, Columbia, South Carolina 29203. All comments must be received no later than 5:00 p.m. on March 27, 2023, the close of the drafting comment period. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received, the hearing will be cancelled.

### **Preliminary Fiscal Impact Statement:**

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

### **Statement of Need and Reasonableness:**

#### DESCRIPTION OF REGULATION:

Purpose: This article is amended to provide guidance on the licensing requirements for settings and programs.

Legal Authority: 1976 Code Section 44-20-220.

Plan for Implementation: The amended regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. The Department will notify participants of the regulation by posting it on the agency's website.

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

The proposed regulations are needed to ensure that all participants are aware of the process and their rights.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning those regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment of this State. The public health of the State will be enhanced by public awareness of Department procedures.

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

There will be no detrimental effects on the environment and public health if the regulations are not implemented in this State.

**Statement of Rationale:**

These regulations are added to clarify and state Department roles 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. 5182  
**DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS**  
CHAPTER 88  
Statutory Authority: 1976 Code Section 44-20-220

Article 9. Unclassified Facilities and Programs.

**Preamble:**

The Department of Disabilities and Special Needs proposes to amend Article 9 to provide guidance on the application requirements and determination process regarding the licenses for unclassified settings and programs provided by the Department of Disabilities and Special Needs. Specific sections edited are Regulations 88-910, Unclassified Facilities and Programs; 88-915, Application for License of an Unclassified Program; and 88-920, Determination by the Department.

Section-by-Section Discussion:

- 88-910. Updating to Current Law and Procedure.
- 88-915. Updating to Current Law and Procedure.
- 88-920. Updating to Current Law and Procedure.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

**Notice of Public Hearing and Opportunity for Public Comment:**



## **18 PROPOSED REGULATIONS**

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted before the Department of Disabilities and Special Needs Commission, 3440 Harden Street Extension, Columbia, South Carolina 29203 on April 20, 2023, at 2:00 p.m. Written Comments may be directed to Constance Holloway, Interim State Director/General Counsel, 3440 Harden Street Extension, Columbia, South Carolina 29203. All comments must be received no later than 5:00 p.m. on March 27, 2023, the close of the drafting comment period. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received, the hearing will be cancelled.

### **Preliminary Fiscal Impact Statement:**

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

### **Statement of Need and Reasonableness:**

#### **DESCRIPTION OF REGULATION:**

Purpose: This article is updated to ensure clarity of the definitions of unclassified settings and programs and to provide updated guidance on the licensing of unclassified settings and programs.

Legal Authority: 1976 Code Section 44-20-220.

Plan for Implementation: The amended regulations will take effect upon approval by the General Assembly and upon publication in the State Register. The Department will notify participants of the regulation by posting it on the agency's website.

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

The proposed regulations are needed to ensure that all participants are aware of the process and their rights.

#### **DETERMINATION OF COSTS AND BENEFITS:**

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

#### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning these regulations.

#### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment of this State. The public health of the State will be enhanced by public awareness of Department procedures.

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

There will be no detrimental effects on the environment and public health if the regulations are not implemented in this State.

### **Statement of Rationale:**

These regulations are added to clarify and state Department roles 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.