

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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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.

2008 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	1/11	2/8	3/14	4/11	5/9	6/13	7/11	8/8	9/12	10/10	11/14	12/12
Publishing Date	1/25	2/22	3/28	4/25	5/23	6/27	7/25	8/22	9/26	10/24	11/28	12/26

REPRODUCING OFFICIAL DOCUMENTS

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ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: www.scstatehouse.net

DOC No.	RAT No.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
3119	SR32-2		Educational Requirements	1/13/08	LLR - Real Estate Appraisers Board
3116	SR32-2		Malpractice Insurance Claims	1/20/08	Department of Insurance
3117	SR32-2		Workers' Compensation Assigned Risk Rates	1/20/08	Department of Insurance
3109	SR32-2		Property Tax	1/29/08	Department of Revenue
3110	SR32-2		Restocking Fees	1/29/08	Department of Revenue
3113			Solid Waste Management	3/26/08	Department of Health and Envir Control
3122			Wildlife Management Area Regulations	4/13/08	Department of Natural Resources
3125			Driver Schools and Truck Driver Training Schools	5/07/08	Department of Public Safety
3112			Environmental Protection Fees	5/07/08	Department of Health and Envir Control
3114			Tanning Facilities	5/07/08	Department of Health and Envir Control
3126			Motor Carrier Regulations	5/07/08	Public Service Commission
3133			Weights and Measures	5/07/08	Department of Agriculture
3123			Gasoline, Lubricating Oils and Other Petroleum Products	5/07/08	Department of Agriculture
3124			Eligible Telecommunications Carrier	5/07/08	Public Service Commission
3134			Standards for Licensing Nursing Homes	5/07/08	Department of Health and Envir Control
3128			Electric Systems and Gas Systems	5/07/08	Public Service Commission
3141			Wildlife Management Area Regulations	5/07/08	Department of Natural Resources
3143			Free Tuition for Residents Sixty Years of Age	5/07/08	Commission on Higher Education
3135			Chapter Revision (136-001 through 136-799)	5/07/08	LLR - Commissioners of Pilotage
3174			SC Procurement Regulations - Pre-Bid Conferences	5/07/08	Budget and Control Board
3175			SC Procurement Regulations	5/07/08	Budget and Control Board
3149			Environmental Electronic Reporting Requirements	5/07/08	Department of Health and Envir Control
3152			Underground Storage Tank Control Regulations	5/07/08	Department of Health and Envir Control
3151			South Carolina Birth Defects Program	5/07/08	Department of Health and Envir Control
3138			Free Textbooks	5/08/08	State Board of Education
3139			Ice	5/08/08	Department of Health and Envir Control
3154			Individual Sewage Treatment and Disposal Systems	5/08/08	Department of Health and Envir Control
3137			School-To-Work Transition Act	5/09/08	State Department of Education
3155			Water Pollution Control Permits	5/09/08	Department of Health and Envir Control
3181			Barrier Free Building Design	5/10/08	LLR - Building Codes Council
3182			Building Code Repeals	5/10/08	LLR - Building Codes Council
3183			Modular Building Construction Act	5/10/08	LLR - Building Codes Council
3184			Restructuring ATF Regulations - Pyrotechnic Safety	5/10/08	LLR - Board of Pyrotechnic Safety
3150			Hazardous Waste Management	5/10/08	Department of Health and Envir Control
3165			Transportation Project Prioritization	5/13/08	Department of Transportation
3166			SCDOT Chief Internal Auditor	5/13/08	Department of Transportation
3167			SCDOT Commission Approval of Actions	5/13/08	Department of Transportation
3168			SCDOT Secretary of Transportation Approval of Actions	5/13/08	Department of Transportation
3111			Coastal Division Regulations	5/13/08	Department of Health and Envir Control
3129			Licensing Criteria	5/14/08	Commission on Higher Education
3170			Nonpublic Postsecondary Inst. Licensing - Bond Funds	5/14/08	Commission on Higher Education
3161			Water Classifications and Standards	5/16/08	Department of Health and Envir Control
3178			Data Reporting Requirements - Ambulatory Data	5/16/08	Budget and Control Board
3179			Data Reporting Requirements - S.C. Hospitals	5/16/08	Budget and Control Board
3160			Shellfish	5/16/08	Department of Health and Envir Control
3162			Standards of Performance for Asbestos Projects	5/22/08	Department of Health and Envir Control
3180			Actuarial Opinion and Memorandum Regulation	5/30/08	Department of Insurance
3172			SC Residency Program	6/04/08	Commission on Higher Education
3173			SC HOPE Scholarship	6/04/08	Commission on Higher Education
3185			SC Need-based Grants Program	6/04/08	Commission on Higher Education
3158			Sales Tax	6/04/08	Department of Revenue
3159			Accommodation	6/04/08	Department of Revenue
3163			Sales Tax	6/04/08	Department of Revenue
3164			Communications Services	6/04/08	Department of Revenue
3195			Prequalification of Bidders	6/04/08	Department of Transportation
3193			Practice of Dietetics within the State of SC	1/17/09	LLR - Panel for Dietetics

Committee Requested Withdrawal:

3127	Chapter Revision	LLR - Veterinary Medical Examiners
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Permanently Withdrawn:

3118	Mobile Dental Facilities and Portable Dental Operations	LLR: Board of Dentistry
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2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: www.scstatehouse.net

DOC No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
3119	Educational Requirements	Labor, Commerce and Industry	Labor, Commerce and Industry
3116	Malpractice Insurance Claims	Labor, Commerce and Industry	Banking and Insurance
3117	Workers' Compensation Assigned Risk Rates	Labor, Commerce and Industry	Banking and Insurance
3109	Property Tax	Ways and Means	Finance
3110	Restocking Fees	Ways and Means	Finance
3113	Solid Waste Management	Agriculture and Natural Resources	Medical Affairs
3122	Wildlife Management Area Regulations	Agriculture and Natural Resources	
3125	Driver Schools and Truck Driver Training Schools	Education and Public Works	Judiciary
3112	Environmental Protection Fees	Agriculture and Natural Resources	Agriculture and Natural Resources
3114	Tanning Facilities	Agriculture and Natural Resources	Labor, Commerce and Industry
3126	Motor Carrier Regulations	Labor, Commerce and Industry	Judiciary
3133	Weights and Measures	Agriculture and Natural Resources	Agriculture and Natural Resources
3123	Gasoline, Lubricating Oils and Other Petroleum Products	Agriculture and Natural Resources	Agriculture and Natural Resources
3124	Eligible Telecommunications Carrier	Labor, Commerce and Industry	Judiciary Committee
3134	Standards for Licensing Nursing Homes	Medical, Military, Pub & Mun Affairs	Medical Affairs
3128	Electric Systems and Gas Systems	Labor, Commerce and Industry	Judiciary
3141	Wildlife Management Area Regulations	Agriculture and Natural Resources	Fish, Game and Forestry
3143	Free Tuition for Residents Sixty Years of Age	Education and Public Works	Education
3135	Chapter Revision (136-001 through 136-799)	Labor, Commerce and Industry	Transportation
3174	SC Procurement Regulations - Pre-Bid Conferences	Ways and Means	Finance
3175	SC Procurement Regulations	Ways and Means	Finance
3149	Environmental Electronic Reporting Requirements	Agriculture and Natural Resources	Medical Affairs
3152	Underground Storage Tank Control Regulations	Agriculture and Natural Resources	Medical Affairs
3151	South Carolina Birth Defects Program	Agriculture and Natural Resources	Medical Affairs
3138	Free Textbooks	Education and Public Works	Invitations
3139	Ice	Agriculture and Natural Resources	Medical Affairs
3154	Individual Sewage Treatment and Disposal Systems	Agriculture and Natural Resources	Medical Affairs
3137	School-To-Work Transition Act	Education and Public Works	Education
3155	Water Pollution Control Permits	Agriculture and Natural Resources	Medical Affairs
3181	Barrier Free Building Design	Labor, Commerce and Industry	Labor, Commerce and Industry
3182	Building Code Repeals	Labor, Commerce and Industry	Labor, Commerce and Industry
3183	Modular Building Construction Act	Labor, Commerce and Industry	Labor, Commerce and Industry
3184	Restructuring ATF Regulations - Pyrotechnic Safety	Labor, Commerce and Industry	Labor, Commerce and Industry
3150	Hazardous Waste Management	Agriculture and Natural Resources	Medical Affairs
3165	Transportation Project Prioritization	Education and Public Works	Transportation
3166	SCDOT Chief Internal Auditor	Education and Public Works	Transportation
3167	SCDOT Commission Approval of Actions	Education and Public Works	Transportation
3168	SCDOT Secretary of Transportation Approval of Actions	Education and Public Works	Transportation
3111	Coastal Division Regulations	Agriculture and Natural Resources	Agriculture and Natural Resources
3129	Licensing Criteria	Education and Public Works	Education
3170	Nonpublic Postsecondary Inst. Licensing - Bond Funds	Education and Public Works	Education
3161	Water Classifications and Standards	Agriculture and Natural Resources	Medical Affairs
3178	Data Reporting Requirements - Ambulatory Data	Medical, Military, Pub & Mun Affairs	Medical Affairs
3179	Data Reporting Requirements - S.C. Hospitals	Medical, Military, Pub & Mun Affairs	Medical Affairs
3160	Shellfish	Agriculture and Natural Resources	Fish, Game and Forestry
3162	Standards of Performance for Asbestos Projects	Agriculture and Natural Resources	Medical Affairs
3180	Actuarial Opinion and Memorandum Regulation	Labor, Commerce and Industry	Banking and Insurance
3172	SC Residency Program	Education and Public Works	Education
3173	SC HOPE Scholarship	Education and Public Works	Education
3185	SC Need-based Grants Program	Education and Public Works	Education
3158	Sales Tax	Ways and Means	Finance
3159	Accommodation	Ways and Means	Finance
3163	Sales Tax	Ways and Means	Finance
3164	Communications Services	Ways and Means	Finance
3195	Prequalification of Bidders	Ways and Means	Transportation
3193	Practice of Dietetics within the State of SC	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry

Committee Requested Withdrawal:

3127	Chapter Revision		Medical Affairs
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Permanently Withdrawn:

3118	Mobile Dental Facilities and Portable Dental Operations	Medical, Military, Pub & Mun Affairs	Medical Affairs
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**BUDGET AND CONTROL BOARD
BOARD OF ECONOMIC ADVISORS**

NOTICE

January 16, 2008

Frank Fusco
Executive Director
South Carolina Budget and Control Board
Office of the Executive Director
612 Wade Hampton Building
Columbia, SC 29211

Dear Frank,

We have calculated the increase in the limit on compensation for noneconomic damages on a medical malpractice claim. Pursuant to Section 15-32-220(F), the limit on civil liability for noneconomic damages on a medical malpractice claim is adjusted each fiscal year based on the increase or decrease in the ratio of the Consumer Price Index for All Urban Consumers as of December 31 of the previous calendar year. The adjustment is a cumulative index using a base year 2004. The 2004 base year was adopted to be consistent with the timing of the enacting legislation. As of December 31, 2007, the Index published by the Bureau of Labor Statistics, *Monthly Labor Review*, Table 38, "Consumer Price Index for All Urban Consumers", increased by 10.4% from a value of 190.3 in December 2004 to 210.036 in December 2007. Therefore, the limit not to exceed \$350,000 would increase to \$386,300 against a single health care provider and a health care institution for each claimant for civil liability for noneconomic damages on medical malpractice claims when final judgment is rendered. Also, the limit not to exceed \$1,050,000 would increase to \$1,158,900 for all health care providers and all health care institutions for each claimant for civil liability for noneconomic damages on medical malpractice claims. The adjusted limitations on compensation for noneconomic damages become effective upon publication in the State Register pursuant to Section 1-23-40(2).

If I can be of any further assistance, please let me know.

Sincerely,

WCG/rwm

William C. Gillespie, Ph.D.
Chief Economist

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication February 22, 2008, 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 Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Anderson County

Renovation for the addition of an invasive vascular laboratory for a total of two (2) vascular laboratories
AnMed Health Medical Center

4 NOTICES

Anderson, South Carolina
Project Cost: \$2,194,372

Affecting Beaufort County

Renovation of existing space for the purchase and installation of a sixty-four (64) Slice Computed Tomography (CT) Scanner
Hilton Health Regional Medical Center
Hilton Head Island, South Carolina
Project Cost: \$1,288,404

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning February 22, 2008. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Greenwood County

Purchase and installation of a fixed 1.5T Magnetic Resonance Imaging (MRI) unit to be located at Tower Point Medical Center; upon installation, the 1.0T mobile services provided under NA-06-23 for full-time use at 103 Little Mountain Road in Ninety Six, SC will be discontinued
Piedmont Health Group, LLC
Greenwood, South Carolina
Project Cost: \$2,038,178

Affecting Orangeburg County

Purchase and installation of a sixty-four (64) slice Computed Tomography (CT) scanner
The Regional Medical Center of Orangeburg and Calhoun Counties
Orangeburg, South Carolina
Project Cost: \$2,290,442

Affecting Spartanburg County

Renovation for the replacement of an existing single slice Computed Tomography (CT) scanner with a sixteen (16) slice CT scanner.
Spartanburg Regional Medical Center
Spartanburg, South Carolina
Project Cost: \$871,839

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL**

NOTICE OF GENERAL PUBLIC INTEREST

Adoption and Implementation of Building Codes

Notice is hereby given that, in accordance with Section 6-9-50(A) of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council has voted to adopt the International Building Code, 2006 Edition; the International Fire Code, 2006 Edition; the International Plumbing Code, 2006 Edition; the International Mechanical Code, 2006 Edition; the International Energy Conservation Code, 2006 Edition; the International Residential Code, 2006 Edition; and the International Fuel Gas Code, 2006 Edition, as modified below:

1. 2006 International Building Code, no appendices, July 1, 2008, with modifications as follows:

a. Modification Number: IBC 2006 05.

Section: 1809.2.3.2.2. Design in Seismic Design Category D, E or F.

Modification: Add new section.

The new section reads: “1809.2.3.2.2.1 Performance-Based Design of 10 inch 12 inch and 14 inch Square Piling. Where transverse reinforcement consists of circular spirals, the volumetric ratio of spiral transverse reinforcement in the ductile region shall comply with either the prescriptive requirements of Section 1809.2.3.2.2 (Point 5) or the performance-based provisions of this section. The performance-based provisions of this section may not be used if the factored axial compressive force on the pile considering load combinations with E exceeds $0.4f_g A_g$. In the ductile region of the piling, a curvature ductility capacity of 20 shall be provided by the pile cross section. Hence, required spiral quantity P_g shall be determined by moment curvature analysis of the pile cross section that accounts for the actual range of factored axial loads expected during the design earthquake. In no case, shall p_g provided in the ductile region be less than 0.014. Expected material properties and strain limits shall be determined by the design engineer and shall be in accordance with other nationally recognized standards. The maximum center-to-center spacing of the spiral as presented in Section 1809.2.3.2.2 (Point 3) may be ignored so long as strand buckling is accounted for in the moment curvature analysis. However, in no case shall the center-to-center spacing of the spiral in the ductile region exceed 3 in. Only Points 3 and 5 of the prescriptive requirements are modified for the performance-based design provisions of this section and the remainder of Section 1809.2.3.2.2 must still be satisfied.

Reason: The new section allows the design engineer to decrease the amount of spiral provided based on an assurance of adequate ductility measured as a ductility capacity of 20. The following layers of conservatism are provided for the performance based requirement presented above:

1. Building foundations are expected to respond elastically to the design earthquake, and theoretically, no ductility should be required.

2. The target curvature ductility capacity of 20 is approximately that required for special moment frames in building structures per ACI 318-05. It is also approximately 2 times that required by the PCI piling committee in 1993. Even if the actual forces resisted by the foundation exceed the elastic limit, ductility capacities of 20 should not be required.

3. Current research has shown that soil can be expected to provide concrete confinement of approximately 0.007 for below ground hinges. Hence the lower bound on the performance based methodology presented above is 0.021 minus 0.007 or 0.014.

4. MOTEMS (2005), Caltrans (2004), and SCDOT Seismic Provisions (2006) provide lower bound expected material properties and strain limits based on tests of materials across the United States.

6 NOTICES

2. 2006 International Fire Code, no appendices, July 1, 2008, with modifications as follows:

a. Modification Number: IFC 2006 02.

Section: 906.1(1) Where required.

Modification: The “Exception” was deleted without substitution.

Reason: The exception grants a “trade-off” in favor of quick response sprinklers in several occupancies.

3. 2006 International Plumbing Code, no appendices, July 1, 2008;

4. 2006 International Mechanical Code, no appendices, July 1, 2008;

5. 2006 International Energy Conservation Code, no appendices, July 1, 2008;

6. 2006 International Residential Code, no appendices, July 1, 2008, with modifications as follows:

a. Modification Number: IRC 2006 05.

Section: R305.1(4) Minimum height.

Modification: Additional language was added to the section.

The modified section now reads: “Bathrooms shall have a minimum ceiling height of 6 feet 8 inches (2036 mm) measured from the front of the fixture and at the front clearance area for fixtures as shown in Figure R307.1.”

Reason: The original code language would prevent a half bath or powder room from being installed under a stairway, which is common practice in South Carolina.

b. Modification Number: IRC 2006 07.

Section: R308.4(5) Hazardous locations.

Modification: Language was deleted from the second sentence to eliminate the application of the section to “any part of a building wall.”

The modified section now reads: “Glazing in doors and enclosures for hot tubs, whirlpools, saunas, steam rooms, bathtubs and showers. Glazing enclosing these compartments where the bottom exposed edge of the glazing is less than 60 inches (1524 mm) measured vertically above any standing or walking surface.”

Reason: To clarify that the section only applies to those portions of a bathroom wall that is in direct contact with the compartment or fixture.

c. Modification Number: IRC 2006 10.

Section: R318 Moisture Vapor Retarders.

Modification: Deleted without substitution.

Reason: Since Chapter 11 of the IRC is not currently adopted in South Carolina, where it is indicated as not requiring moisture vapor retarders, deletion of the section will clarify the intent of the code.

d. Modification Number: IRC 2006 11.

Section: R319.1.1 Field treatment.

Modification: Deleted without substitution.

Reason: Applying preservative chemicals in the field could be a safety hazard; not all producers of pressure treated lumber require bored holes and cut ends of lumber to be field treated; bores and cuts are difficult to inspect.

e. Modification Number: IRC 2006 12.

Section: R319.3 Fasteners.

Modification: Language was modified in the first and second sentences and a new Table was included.

The modified language now reads: "Fasteners for pressure preservative and fire-retardant-treated wood shall be in accordance with Table R319.3. The coating weights for zinc coated fasteners shall be in accordance with the minimum requirements of ASTM A 153."

*Table R319.3 – Acceptable Fasteners per Chemicals used in Pressure-Preservatively Treated Wood

**Chemical	Fasteners
Borate (disodium octaborate tetrahydrate "DOT")	Carbon steel, galvanized steel, stainless steel copper and silicon bronze
ACQ (copper combined with a quaternary ammonium compound "QUAT")	hot-dipped galvanized, stainless steel, and triple coated zinc polymer
Wolman E (copper combined with the organic fungicide tebuconazole)	hot-dipped galvanized, stainless steel, and triple coated zinc polymer

* All data is based on research conducted by ICC Evaluation Services, Inc. and National Evaluation Services, Inc.

** If the chemical is not listed above, the fastener used in pressure-preservatively treated wood is subject to approval from the building official

Reason: The current list of fasteners in the code does not recognize all of the fasteners that can be used with borate-treated lumber.

f. Modification Number: IRC 2006 16.

Section: R404.1 Concrete and masonry foundation walls.

Modification: Deleted Tables R404.1(1), R404.1(2) and R404.1(3) and the second paragraph, starting with the words "Foundation walls that meet all of the following," and including all five subsections without substitution.

Reason: Past IRC requirements have a proven track record of safe and durable construction with no history of failure. The language added to the section in the 2006 edition was based on theoretical assumption and is not necessary.

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g. Modification Number: IRC 2006 18.

Section: R408.2 Openings for under-floor ventilation.

Modification: An exception was added to the section.

The exception reads “Exception: The total area of ventilation openings may be reduced to 1/1500 of the under-floor area where the ground surface is treated with an approved vapor retarder material and the required openings are placed so as to provide cross-ventilation of the space. The installation of operable louvers shall not be prohibited.”

Reason: To allow a reasonable alternative for under-floor ventilation.

h. Modification Number: IRC 2006 22.

Section: R602.10.5 Continuous wood structural panel sheathing.

Modification: Language was modified in the first sentence.

The modified language now reads: “When continuous wood structural panel sheathing is provided in accordance with Method 3 of R602.10.3 on all sheathable areas of a braced wall line including areas above and below openings, braced wall panel lengths shall be in accordance with Table R602.10.5. Wood structural panel sheathing shall be installed at corners in accordance with Figure R602.10.5. The bracing amounts in Table R602.10.1 for Method 3 shall be permitted to be multiplied by a factor of 0.9 for walls with a maximum opening height that does not exceed 85 percent of the wall height or a factor of 0.8 for walls with a maximum opening height that does not exceed 67 percent of the wall height.

Reason: To clarify that not all walls of a building need to be fully sheathed when just one or more wall lines is fully sheathed with wood structural panels and to clarify that other bracing methods can be used on other braced wall lines; to allow the use of other approved bracing methods on other portions of a building.

i. Modification Number: IRC 2006 24.

Section: R613.2 Window sill height.

Modification: Deleted without substitution.

Reason: There is no sound technical information to substantiate a greater degree of protection from window falls for small children by raising the window sill height to 24 inches.

j. Modification Number: IRC 2006 29.

Section: M1502.2 Duct termination.

Modification: Delete the third sentence without substitution.

The modified section now reads: “Exhaust ducts shall terminate on the outside of the building. Exhaust duct terminations shall be in accordance with the dryer manufacturer’s installation instructions. Exhaust duct terminations shall be equipped with a backdraft damper. Screens shall not be installed at the duct termination.”

Reason: The three feet dimension is arbitrary and restrictive; the dimension is not a requirement of the dryer manufacturers.

k. Modification Number: IRC 2006 30.

Section: M1502.6 Duct length.

Modification: Language was modified in the first sentence to increase the maximum dryer duct length to 35 feet.

The modified section now reads: "The maximum length of a clothes dryer exhaust duct shall not exceed 35 feet (10668 mm) from the dryer location to the wall or roof termination."

Reason: To coincide with the maximum duct length specified by most clothes dryer manufacturers.

l. Modification Number: IRC 2006 31.

Section: E3801.11 HVAC outlet.

Modification: Language was added in the first sentence to establish that the required convenience receptacle is to be installed when HVAC and refrigeration equipment is located in an attic or crawl space.

The modified section now reads: "A 125-volt, single-phase, 15 or 20 ampere-rated receptacle outlet shall be installed at an accessible location for the servicing of heating, air-conditioning and refrigeration equipment located in attics and crawl spaces. The receptacle shall be located on the same level and within 25 feet (7620 mm) of the heating, air-conditioning and refrigeration equipment. The receptacle outlet shall not be connected to the load side of the HVAC equipment disconnecting means."

Reason: The purpose for the convenience receptacle is to provide a technician with power in an attic or crawl space where receptacles are not typically available.

m. Modification Number: IRC 2006 32.

Section: E3802.12 Arc-fault protection

Modification: An exception was added to the section.

The exception reads "Exception: Arc-fault circuit interrupter protection is not required for outlets used solely for smoke and/or fire detection devices."

Reason: The purpose for the convenience receptacle is to provide a technician with power in an attic or crawl space where receptacles are not typically available.

7. 2006 International Fuel Gas Code, no appendices, July 1, 2008.

No appendixes for any of the codes listed above were adopted by the BCC and cannot be adopted or used locally. Modifications that were adopted in conjunction with 2000 code editions are carried forward pursuant to S.C. Code 6-9-40(C).

All construction projects, for which a completed building permit application is filed with the Building Inspection Department by the close of business on the last business day before the implementation date, may be constructed under the applicable 2000 International Codes.

10 NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 12, Standard on Carbon Dioxide Extinguishing Systems, 2008 Edition
2. The original promulgating authority for this code is: National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269
3. This code is referenced by: South Carolina Rules and Regulations 71-8307.3(A)(9)

The Office of State Fire Marshal specifically requests comments concerning sections of these editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich, State Fire Marshal at 141 Monticello Trail, Columbia, S.C. 29203, by fax at 803-896-9806, or by E-mail to reichj@llr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Office of State Fire Marshal will promulgate this latest edition without amendment.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 25, Standard for Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2008 Edition
2. The original promulgating authority for this code is: National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269
3. This code is referenced by: South Carolina Code of Laws 40-10-240(A)

The Office of State Fire Marshal specifically requests comments concerning sections of these editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich, State Fire Marshal at 141 Monticello Trail, Columbia, S.C. 29203, by fax at 803-896-9806, or by E-mail to reichj@llr.sc.gov.

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**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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1. National Fire Protection Association 30, Flammable and Combustible Liquids Code, 2008 Edition
2. The original promulgating authority for this code is: National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269
3. This code is referenced by: South Carolina Code of Laws 39-41-260(A) and South Carolina Rules and Regulations 71-8300.11(C)(5), 71-8301.6, 71-8303.1

The Office of State Fire Marshal specifically requests comments concerning sections of these editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich, State Fire Marshal at 141 Monticello Trail, Columbia, S.C. 29203, by fax at 803-896-9806, or by E-mail to reichj@llr.sc.gov.

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**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages, 2008 Edition
2. The original promulgating authority for this code is: National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269
3. This code is referenced by: South Carolina Code of Laws 39-41-260(A) and South Carolina Rules and Regulations 71-8303.1

The Office of State Fire Marshal specifically requests comments concerning sections of these editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich, State Fire Marshal at 141 Monticello Trail, Columbia, S.C. 29203, by fax at 803-896-9806, or by E-mail to reichj@llr.sc.gov.

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DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 58, Liquefied Petroleum Gas Code, 2008 Edition
2. The original promulgating authority for this code is: National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269
3. This code is referenced by: South Carolina Code of Laws 40-82-70

The Office of State Fire Marshal specifically requests comments concerning sections of these editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich, State Fire Marshal at 141 Monticello Trail, Columbia, S.C. 29203, by fax at 803-896-9806, or by E-mail to reichj@llr.sc.gov.

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DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 70, National Electrical Code, 2008 Edition
2. The original promulgating authority for this code is: National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269
3. This code is referenced by: South Carolina Rules and Regulations 71-8300.10

The Office of State Fire Marshal specifically requests comments concerning sections of these editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich, State Fire Marshal at 141 Monticello Trail, Columbia, S.C. 29203, by fax at 803-896-9806, or by E-mail to reichj@llr.sc.gov.

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**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2008 Edition
2. The original promulgating authority for this code is: National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269
3. This code is referenced by: South Carolina Rules and Regulations 71-8307.3(A)(9)(h)

The Office of State Fire Marshal specifically requests comments concerning sections of these editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich, State Fire Marshal at 141 Monticello Trail, Columbia, S.C. 29203, by fax at 803-896-9806, or by E-mail to reichj@llr.sc.gov.

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**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 2001, Clean Agent Fire Extinguishing Systems, 2008 Edition
2. The original promulgating authority for this code is: National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269
3. This code is referenced by: South Carolina Rules and Regulations 71-8307.3(A)(9)(i)

The Office of State Fire Marshal specifically requests comments concerning sections of these editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich, State Fire Marshal at 141 Monticello Trail, Columbia, S.C. 29203, by fax at 803-896-9806, or by E-mail to reichj@llr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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DEPARTMENT OF LABOR, LICENSING AND REGULATION OCCUPATIONAL SAFETY AND HEALTH STANDARDS

NOTICE OF PUBLIC HEARING

The South Carolina Department of Labor, Licensing, and Regulation (LLR) does hereby give notice under Section 41-15-220, S.C. Code of Laws, 1976, as amended, that a public hearing will be held on March 19, 2008 at 10:00 a.m. at the S.C. Department of LLR, 1st floor, room 108, 110 Centerview Drive, Columbia, S.C., at which time interested persons will be given the opportunity to appear and present views on the occupational safety and health standards being considered for adoption, which are as follows:

In Subarticle 6 (General Industry and Marine Terminals):
Revisions to 1910.132, 1917.96, and 1918.106,

In Subarticle 7 (Construction):
Revisions to 1926.95

Any omissions or corrections to the occupational safety and health standards being considered for adoption published in the FEDERAL REGISTER prior to this hearing may be presented at this hearing. These revisions are necessary to comply with federal law and copies of them can be obtained or reviewed at the S.C. Department of LLR during normal business hours by contacting the Occupational Safety and Health Administration office at (803) 896-7682.

Persons desiring to speak at the hearing shall file with the Director of LLR a notice of intention to appear and the approximate amount of time required for her/his presentation on the particular matter no later than March 17, 2008. Any person who wishes to express her/his views, but is unable or does not desire to appear and testify at the hearing, should submit those views to the undersigned in writing on or before March 17, 2008.

Adrienne Riggins Youmans
Director
SC Department of LLR
Post Office Box 11329
Columbia, SC 29211-1329

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

Statutory Authority: 1976 Code Section 44-56-30 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-79, Hazardous Waste Management Regulations. Interested persons are invited to present their views in writing to Richard Haynes, Director of the Division of Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on Monday, March 24, 2008, the close of the drafting comment period.

Synopsis:

The United States Environmental Protection Agency (USEPA) promulgates amendments to 40 CFR 124, 260 through 266, 268, 270, and 273 throughout each calendar year. Recent federal amendments affect the modification of the Hazardous Waste Program for the recycling of Cathode Ray Tubes. This rule was published in the Federal Register at 71 FR 42928 on July 28, 2006. The Cathode Ray Tubes Rule streamlines management requirements for recycling of used cathode ray tubes (CRTs) and glass removed from CRTs. The amendments exclude these materials from the RCRA definition of solid waste if certain conditions are met. This rule is intended to encourage recycling and reuse of used CRTs and CRT glass.

The adoption of the CRT Rule is optional to states. The Department intends to amend R.61-79 to maintain conformity with federal regulations.

Legislative review of this amendment will be required.

DEPARTMENT OF INSURANCE**CHAPTER 69**

Statutory Authority: 1976 Code Section 38-13-80

Notice of Drafting:

The South Carolina Department of Insurance proposes to promulgate the Annual Audited Financial Reporting Regulation. Interested persons should submit their comments in writing to Leslie M. Jones, Executive Assistant to the Director & Consulting Actuary, South Carolina Department of Insurance, 145 King Street, Suite 207, Charleston, South Carolina 29401. To be considered comments must be received no later than 5:00 p.m. on March 31, 2008 the close of the drafting comment period.

Synopsis:

The purpose of the proposed regulation is to improve the Department of Insurance's surveillance of the financial condition of insurers by requiring an annual audit of financial statements reporting the financial position and the results of insurer operations by independent certified public accountants. The proposed regulation also requires insurers and designated entities to comply with certain best practices related to auditor independence, corporate governance and internal controls over financial reporting.

The proposed regulation will require legislative review.

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Document No. 3204
DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28
Statutory Authority: 1976 Code Sections 37-11-10 et seq.

28-600. Licensing Standards for Continuing Care Retirement Communities

Preamble:

The General Assembly passed legislation in 1991 requiring the licensing and regulation of continuing care retirement communities. The proposed revisions to the existing regulation will provide greater detail of existing procedures, delete obsolete provisions, and otherwise harmonize the Regulation with Title 37 Chapter 11 of the South Carolina Code. The Notice of Drafting was published in the State Register on December 28, 2007, SR31-12.

Section-by-Section Discussion

28-600

- A. Subsection A(6) has been amended to correct grammatical inconsistencies and obsolete text; eliminates subsection A(9) and rennumbers the remaining subsections.
- B. This section has been amended to correct grammatical inconsistencies, delete obsolete text, and add language which provides that a Letter of Non-applicability is now mandatory. References to "project" have been replaced with "facility." Subsection B(6) is eliminated and the remaining subsection is renumbered. Language is added to harmonize the Regulation with Title 37 Chapter 11 of the Code and clarify that contested case hearings shall be filed with the Administrative Law Court.
- C. This section has been amended to correct grammatical inconsistencies, delete obsolete text, and add language providing greater detail of existing procedures. Subsections C(1) and C(8) are eliminated and the remaining subsections are renumbered. References to "project" have been replaced with "facility." Language is added to harmonize the Regulation with Title 37 Chapter 11 of the Code and clarify that contested case hearings shall be filed with the Administrative Law Court.
- D. This section has been amended to correct grammatical inconsistencies, delete obsolete text, and add language providing greater detail of existing procedures. Subsections D(1) and D(5) are eliminated and the remaining subsections are renumbered. Language is added to harmonize the Regulation with Title 37 Chapter 11 of the Code and clarify that contested case hearings shall be filed with the Administrative Law Court.
- E. This section has been deleted in its entirety.
- F. This section has been deleted in its entirety.
- G. This section has been renumbered. Grammatical inconsistencies have been corrected, obsolete text deleted, and language added to provide greater detail of existing procedures and to harmonize the Regulation with Title 37 Chapter 11 of the Code and clarify that contested case hearings shall be filed with the Administrative Law Court.
- H. This section has been renumbered. Grammatical inconsistencies have been corrected, obsolete text deleted, and language added to provide greater detail of existing procedures and to harmonize the Regulation with Title 37 Chapter 11 of the Code.

- I. This section has been renumbered. Grammatical inconsistencies have been corrected, obsolete text deleted, and language added to provide greater detail of existing procedures and to harmonize the Regulation with Title 37 Chapter 11 of the Code.
- J. This section has been renumbered. Grammatical inconsistencies have been corrected, obsolete text deleted, and language added to provide greater detail of existing procedures and to harmonize the Regulation with Title 37 Chapter 11 of the Code.
- K. This section has been renumbered. Grammatical inconsistencies have been corrected and obsolete text deleted.
- L. This section has been renumbered. Grammatical inconsistencies have been corrected and obsolete text deleted.
- M. This section has been renumbered.
- N. This section has been renumbered. Grammatical inconsistencies have been corrected and obsolete text deleted.
- O. This section has been renumbered. Grammatical inconsistencies have been corrected and language added to provide greater detail of existing procedures and to harmonize the Regulation with Title 37 Chapter 11 of the Code.
- P. This section has been renumbered. Grammatical inconsistencies have been corrected.
- Q. This section has been renumbered. Grammatical inconsistencies have been corrected and obsolete text deleted.
- R. This section has been renumbered. Grammatical inconsistencies have been corrected, obsolete text deleted, and language added to provide greater detail of existing procedures and to harmonize the Regulation with Title 37 Chapter 11 of the Code.
- S. This section has been renumbered.
- T. This section has been renumbered.
- U. This section has been renumbered. Grammatical inconsistencies have been corrected and obsolete text deleted.
- V. This section has been renumbered. Grammatical inconsistencies have been corrected and obsolete text deleted.
- W. This section has been renumbered.
- X. This section has been renumbered. Grammatical inconsistencies have been corrected, obsolete text deleted, and language added to provide greater detail of existing procedures and to harmonize the Regulation with Title 37 Chapter 11 of the Code.
- Y. This section has been renumbered.
- Z. This section has been renumbered.
- AA. This section has been renumbered.

18 PROPOSED REGULATIONS

BB. This section has been renumbered. Grammatical inconsistencies have been corrected, obsolete text deleted, language added to provide greater detail of existing procedures and to harmonize the Regulation with Title 37 Chapter 11 of the Code, and clarify that contested case hearings shall be filed with the Administrative Law Court.

CC. This section has been renumbered.

Other formatting adjustments and minor edits have been made throughout the document for consistency purposes.

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 of Laws of South Carolina, as amended, such hearing will be conducted at the April 2008 meeting of the South Carolina Commission on Consumer Affairs. The meeting will take place at the Department's offices at 3600 Forest Drive, Third Floor, Columbia, South Carolina on Tuesday, April 8, 2008 at 2:00 p.m. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record. Written comments may be directed to Elliott F. Elam, Jr., South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, South Carolina 29250-5757 no later than 5:00 p.m., Tuesday March 28, 2008.

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).

DESCRIPTION OF REGULATION: Licensing Standards for Continuing Care Retirement Communities.

Purpose: To establish the licensing standards for, and regulate South Carolina Continuing Care Retirement Communities

Legal Authority: S.C. Code Ann. Section 37-11-10 et seq.

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

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

The proposed revisions to the existing regulation will provide greater detail of existing procedures, delete obsolete provisions, otherwise harmonize the Regulation with Title 37 Chapter 11 of the South Carolina Code, and clarify that contested case hearings shall be filed with the Administrative Law Court.

DETERMINATION OF COSTS AND BENEFITS:

Although costs related to revising the regulation are minimal, the benefits include regulations that are much shorter and which conform to Title 37 Chapter 11 of the South Carolina Code

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:

The amended regulations will have no detrimental effect on the environment and public health if the regulation is not implemented.

Statement of Rationale:

The purpose of the revisions to 23A S.C. Code Ann. R. 28-600 is to provide greater detail of existing procedures, delete obsolete provisions, otherwise harmonize the Regulation with Title 37 Chapter 11 of the South Carolina Code, and clarify that contested case hearings shall be filed with the Administrative Law Court. There was no scientific or technical basis relied upon in the development of this regulation. Other formatting changes and minor edits have been made for consistency purposes.

Text:

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

Document No. 3205
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 and 12-6-3660

69-75. Tax Credits for Fortification Measures

Preamble:

The South Carolina Department of Insurance proposes to promulgate a regulation that sets forth the fortification measures that qualify for the state income tax credit allowed pursuant to S.C. Code Ann. Section 12-6-3660.

The Omnibus Coastal Property Insurance Reform Act of 2007 amended Article 25, Chapter 6, Title 12 by adding Section 12-6-3660. Section 12-6-3660 provides that an individual taxpayer is allowed a credit against the tax imposed pursuant to Section 12-6-510 for costs incurred to retrofit a structure qualifying as the taxpayer's legal residence pursuant to Section 12-43-220(c) to make it more resistant to loss due to hurricane, rising floodwater or other catastrophic wind event. The section also provides that the Department of Insurance must promulgate a regulation to define the fortification measures qualifying for the state income tax credit allowed pursuant to this section.

The proposed regulation will require legislative review.

A Notice of Drafting for the proposed regulation was published in the South Carolina State Register on August 24, 2007.

20 PROPOSED REGULATIONS

Section-by-Section Discussion

- Section 1. Sets forth the purpose of the regulation and defines which fortification measures qualify for the state income tax credits pursuant to Section 12-6-3660.
- Section 2. Sets forth the evidence and proof policyholders and applicants must present to obtain the state income tax credit.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted on Friday, April 25, 2008 at 2:00 pm at the Administrative Law Court Division, 1205 Pendleton Street Suite 224, Columbia, South Carolina 29201. Written comments and hearing requests may be directed to Gwendolyn Fuller McGriff, South Carolina Department of Insurance, P.O. Box 100105, Columbia, South Carolina 29202-3105, no later than 5:00 pm Monday March 31, 2008.

Preliminary Fiscal Impact Statement:

There will be a slight reduction in income tax collected by the state from those taxpayers who qualify for the credit. It is believed that this reduction will be offset by the anticipated benefit to the state in reduced damage from hurricane, rising floodwater or other catastrophic wind event.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Tax Credits for Fortification Measures

Purpose: The proposed regulation defines how certain fortification measures shall qualify for the income tax credit allowed pursuant to Section 12-6-3660.

Legal Authority: S.C. Code Sections 1-23-110 et seq., 38-3-110 and 12-6-3660.

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

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

On June 11, 2007 the Omnibus Coastal Property Insurance Reform Act of 2007 was enacted into law. The Act amended Article 25, Chapter 6, Title 12 of the S.C. Code Ann. Section by adding Section 12-6-3660 to require that an individual taxpayer is allowed a credit against the tax imposed pursuant to Section 12-6-510 for costs incurred to retrofit a structure qualifying as the taxpayer's legal residence pursuant to Section 12-43-220(c) to make it more resistant to loss due to hurricane, rising floodwater, or other catastrophic windstorm event. Section 12-6-3660 further provides the Department of Insurance with the authority to define by regulation the fortification measures that qualify for income tax credit.

The proposed regulation is needed to provide guidance to individual taxpayers on which fortification measures will qualify for the state income tax credit.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. It is believed that the proposed regulation will benefit our state by encouraging individuals to make their homes more resistant to loss due to hurricane, rising floodwater, or other catastrophic windstorm event. Any such decrease will positively affect the environment by reducing debris, etc. from damaged property, and will benefit public health by reducing the possibility of death, injury, and homelessness from hurricanes.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

It is anticipated that the tax credit allowed pursuant to Section 12-6-3660 will encourage residential property policyholders to make their homes more resistant to loss due to hurricane, rising floodwater or other catastrophic windstorm event. Retrofitting homes is vital to reducing the potential loss of property and lives in South Carolina.

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

There may be a detrimental effect on the environment and public health if this regulation is not implemented. Promulgation of this regulation is crucial to ensuring that South Carolina consumers benefit from the reforms set forth in the Omnibus Coastal Property Insurance Reform Act of 2007.

Statement of Rationale:

This proposed regulation is a part of a comprehensive initiative to address the property insurance issues in South Carolina. A healthy insurance marketplace is imperative to the well-being of our state's economy. Significant hurricane losses by the insurance industry and predictions for above-average hurricane frequency and severity have contributed to the decline of the property insurance market in South Carolina. Strengthening of residential structures should lessen the extent of damage to homes in South Carolina and have a positive impact on the insurance marketplace.

Text:

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

22 PROPOSED REGULATIONS

Document No. 3206
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 25
Statutory Authority: 1976 Code Sections 40-9-30 and 40-1-70

25-1 et seq. Board of Chiropractic Examiners

Preamble:

The Department of Labor, Licensing and Regulation, Board of Chiropractic Examiners proposes to amend its regulations to make enforcement more cost effective and to reflect current professional standards for the practice of chiropractic, including requirements for continuing education as appropriate to assure continued competence.

Section by Section Discussion

25-1. Organization, Administration and Procedure.

Deletes (B)-(E) as duplicative of statutory provisions.

25-2. Application for Licensure.

Deletes references to examination in title and throughout; deletes duplicative references to fees; clarifies test score requirements.

25-3. Examination.

Corrects references to examination re-grade and failure procedures; deletes reference to reciprocity.

25-4. Waiver of Fees and Special Volunteer License.

Deletes language for clarity.

25-5. Professional Practices.

Changes "June 30" to "September 30" and deletes all "June 30" references for renewal; adds sentence regarding discipline for unlicensed practice for lapsed licensees; changes minimum continuing education hours from 24 to 36; Adds provision for "Comprehensive Approval" continuing education sponsors and providers; renumbers for clarity.

25-6. Professional Conduct.

Renumbers for clarity.

25-7. Code of Ethics.

Adds language and renumbers for clarity.

25-8. Advertising and Solicitation.

No changes necessary.

25-9. Disciplinary Actions and Procedures.

Deletes language for clarity.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Court at 9:00 a.m. on Monday, April 21, 2008. Written comments may be directed to Sondra Stephenson, Administrator, Board of Chiropractic Examiners, Department of Labor,

Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Monday, April 7, 2008.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The Board of Chiropractic Examiners and the Department of Labor, Licensing and Regulation are updating the regulation by removing outdated language.

Legal Authority: 1976 Code, Sections 40-9-30 and 40-1-70.

Plan for Implementation: These regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of amendments to the regulations and post the regulations on the agency's Web site.

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

The regulations will improve current competency of licensees by requiring additional continuing education.

DETERMINATION OF COSTS AND BENEFITS:

The standardized format of the regulations will assist licensees and other citizens of S.C. with locating requirements within the regulations. There will be no cost increases 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:

There will be no direct effects on the environment or public health.

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

Implementation of these regulations will allow improvement in communication to the public.

Statement of Rationale:

The purpose of the amendments is to make enforcement more cost effective and to reflect current professional standards for the practice of chiropractic, including the requirements for continuing education as appropriate to assure continued competence.

Text:

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

24 PROPOSED REGULATIONS

Document No. 3201
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF DENTISTRY
CHAPTER 39

Statutory Authority: 1976 Code Sections 40-1-40, 40-1-70, 40-15-40 and 40-15-172

39-18. Mobile Dental Facilities and Portable Dental Operations

Preamble:

The Board of Dentistry is adding new Regulation 39-18 to implement Section 40-15-172 of the 1976 Code of Laws of South Carolina, as amended (2006 Act 378) regarding requirements of mobile dental facilities and portable dental operations by defining terms and providing for the issuance and renewal of registration.

Section by Section Discussion

Regulation 39-18. Mobile Dental Facilities and Portable Dental Operations.

- A. Provides applicable rationale for mobile dental facilities and portable dental operations.
- B. Provides for exemptions from the regulation by Federal, state, and local governmental agencies, and Federally Qualified Health Centers (FQHCs) and also provides for emergency treatment.
- C. Defines mobile dental facility and portable dental operation as well as other applicable definitions.
- D. Provides guidelines for registration of mobile dental facilities and portable dental operations.
- E. Provides guidelines for inspection of mobile dental facilities and portable dental operations.
- F. Mobile dental facilities and portable dental operations shall have an official business and/or mailing address of record and records must be kept in accordance with statutory provision.
- G. Provides that written procedures, communication devices, and conformity with requirements are effectively maintained.
- H. Provides for follow-up treatment services including referrals.
- I. Provides physical requirements for mobile dental facilities.
- J. Provides for identification of personnel, notification of changes in written procedures, and display of licenses.
- K. Provides for identification of location of services.
- L. Provides for a licensed dentist-in-charge to be present at mobile dental facilities and portable dental operations.
- M. Prohibits unlicensed personnel from employment at mobile dental facilities and portable dental operations.
- N. Provides for information sheets for patients.
- O. Provides for cessation of mobile dental facilities and portable dental operations with requirements to follow-up with active patients in obtaining future dental care.
- P. Provides for renewal of registration for portable dental operations and mobile dental facilities with the Board of Dentistry and the Department of Labor, Licensing and Regulation.
- Q. Provides for disciplinary action for failure to comply with requirements.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Court at 9:30 a.m. on Monday April 7, 2008. Written comments may be directed to H. Rion Alvey, Administrator, Board of Dentistry, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Monday, March 24, 2008.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The Board of Dentistry and the Department of Labor, Licensing and Regulation are adding the regulation in conformance with 2006 Act 378.

Legal Authority: 1976 Code, Sections 40-1-40, 40-1-70, 40-15-40 and 40-15-172, as amended.

Plan for Implementation: This regulation will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of amendments to the regulation and post the regulation on the agency's Web site.

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

The regulation will improve mobile dental facilities and portable dental operations by defining terms and providing for the issuance and renewal of registration.

DETERMINATION OF COSTS AND BENEFITS:

The standardized format of the regulation will assist licensees and other citizens of S.C. with locating requirements within the regulation. There will be no cost increases to the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no direct effects on the environment or public health.

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

Implementation of this regulation will allow improvement in communication to the public.

Statement of Rationale:

This regulation includes requirements for mobile dental facilities and portable dental operations to implement Section 40-15-172 (2006 Act 378).

Text:

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

26 PROPOSED REGULATIONS

Document No. 3202
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PHYSICAL THERAPY EXAMINERS
CHAPTER 101

Statutory Authority: 1976 Code Sections 40-45-10 et seq., and 40-1-70

101-01 et seq. Board of Physical Therapy Examiners

Preamble:

The Board of Physical Therapy Examiners is considering drafting regulations to supplement the practice act. The proposed regulations include, but are not limited to, deleting repetitious language that is in the statute, establishing fees, establishing guidelines for continuing education, and establishing requirements for licensure as a physical therapist and physical therapist assistant.

Section by Section Discussion

101-01. Definitions.

No substantive change necessary.

101-02. Officers of Board.

No substantive change necessary.

101-03. Meetings.

No substantive change necessary.

101-04. General Licensing Provisions for Physical Therapists.

Deletes 120 hours college credit with specific course list and adds provision for foreign educated applicants who meet the Board requirements for licensure in this State.

101-05. General Licensing Provisions for Physical Therapist Assistants.

No substantive change necessary.

101-06. Reactivation of Inactive or Lapsed Licenses for individuals who do not meet the statutory criteria for an active licensure in another state.

Deletes former 101-06 Licensure by Endorsement. New section provides requirements for licenses lapsed for over 3 years, 5 years and 10 years.

101-07. Continuing Education.

Deletes former 101-07 Reactivation of Inactive or Lapsed Licenses. Renumbers for clarity. Deletes CEU requirements for first biennium renewal period. Deletes "AHEC (Area Health Education Consortium)" in (4) and adds continued competency tools from the "Federation of State Boards of Physical Therapy (FSBPT) and/or the American Physical Therapy Association" and "achievement or renewal of any Clinical Specialist Certification through the American Physical Therapy Association" in (4)(f) and (g), respectively. Renumbers for clarity.

101-08. Fees. Renumbers for clarity.

Changes "lapsed" to "inactive." Within fees, changes late renewal penalty to \$150.00; changes reactivation from \$300.00 to \$150.00 plus renewal fee; adds inactivation and reinstatement fees at \$50.00 and \$300.00 plus renewal fee, respectively; deletes (6) through (9) as fees may be administratively changed; deletes returned check charge and adds statutory authority for licensure denial for unpaid checks.

101-09. Supervision Guidelines.

Renumbers for clarity.

101-10. Use of Aides in the Practice of Physical Therapy.

Renumbers for clarity.

101-11. Referral.

Renumbers for clarity.

101-12. Practice of Physical Therapy.

New section defining practice of physical therapy as occurring in “the licensing jurisdiction where the patient is physically located at the time that the services are rendered.”

101-13. Code of Ethics for Physical Therapists.

No substantive change necessary.

101-14. Code of Ethics for Physical Therapist Assistants.

No substantive change necessary.

101-15. Sexual Misconduct.

No substantive change necessary.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Court at 2:00 p.m. on Monday, April 7, 2008. Written comments may be directed to Veronica Reynolds, Administrator, Board of Physical Therapy Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Monday, March 24, 2008.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The Department is updating the regulations by removing outdated language.

Legal Authority: 1976 Code, Sections 40-45-10, et seq., and 40-1-70.

Plan for Implementation: These regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the regulations and post the regulations on the agency's Web site.

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

The regulations will establish enhanced communication between licensees and the public.

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DETERMINATION OF COSTS AND BENEFITS:

There will be no cost increases 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:

There will be no effects on the environment or public health.

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

Implementation of these regulations will allow improvement in communication to the public.

Statement of Rationale:

The purpose of the regulations is to conform to the statutory provisions and establish fees, guidelines for continuing education, and requirements for licensure.

Text:

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

Document No. 3207

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF VETERINARY MEDICAL EXAMINERS

CHAPTER 120

Statutory Authority: 1976 Code Sections 40-69-70 et seq., and 40-1-70

120-1 et seq. Board of Veterinary Medical Examiners Chapter Revision

Preamble:

The Department of Labor, Licensing and Regulation, Board of Veterinary Medical Examiners, proposes to repeal existing regulations and add new Regulations 120-1 through 120-10 in conformance with 2006 Act 294.

Section by Section Discussion

120-1. Definitions.

Defines veterinarian-client-patient relationship, comprehensive veterinary practice and comprehensive veterinary facility.

120-2. Elections.

Procedures for annual elections to the Board.

120-3. Licensure to Practice Veterinary Medicine.

Procedures for licensure of veterinarians.

120-4. Licensure to Practice Veterinary Technology.

Procedures for licensure of licensed veterinary technicians.

120-5. Biennial License Renewal.

Procedures for license renewal.

120-6. Continuing Education Requirements; Waivers.

Requirements for continuing education. Requirements for waivers for continuing education and fees.

120-7. Continuing Education Provider and Sponsor Approval.

Requirements for continuing education provider and sponsor approval.

120-8. Practice Standards for Licensed Veterinarians.

Requirements for licensed veterinarians professional conduct.

120-9. Practice Standards for: Licensed Veterinary Technicians; Unlicensed Veterinary Assistants.

Professional conduct for licensed veterinary technicians and unlicensed veterinary assistants.

120-10. Veterinary Facilities. General Requirements; Laboratory Services; Surgical; Pharmacological; Emergency Treatment.

Requirements for veterinary facility maintenance.

120-11. Limited Veterinary Services Facilities; Multiple Practice Facilities; Mobile Veterinary Facilities.

Requirements for limited, multiple and mobile veterinary facilities.

120-12. Veterinary Medicine and Animal Shelters.

Requirements for practice of veterinary medicine in animal shelters.

120-13. Facilities Inspection.

Requirements for facility inspections.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Court at 11:00 a.m. on Monday, April 21, 2008. Written comments may be directed to Sondra D. Stephenson, Administrator, Department of Labor, Licensing and Regulation, Board of Veterinary Medical Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., on Monday, April 7, 2008.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The General Assembly enacted 2006 Act 294 which made significant changes in the underlying statutory authority of the Board. The Board is, therefore, updating its regulations by repealing all existing regulations and adding new Regulations 120-1 through 120-10 in conformance with 2006 Act 294.

Legal Authority: 1976 Code, Sections 40-69-70, et seq., and 40-1-70, as amended.

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Plan for Implementation: These regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the regulations and post the regulations on the agency's Web site.

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

The regulations will establish enhanced communication between licensees and the public.

DETERMINATION OF COSTS AND BENEFITS:

The standardized format of the regulations will assist licensees, consumers and other regulatory entities with locating requirements within the regulations. There will be no cost increases 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:

There will be no direct effects on the environment or public health.

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

There will be no direct effects on the environment or public health if the regulations are not implemented. The regulations do coordinate with the South Carolina Rabies Control Act and with the laws governing pharmacy practice.

Statement of Rationale:

The purpose of the regulations is to repeal existing regulations and add new Regulations 120-1 through 120-10 in conformance with and to implement the provisions of 2006 Act 294.

Text:

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

Document No. 3208
DEPARTMENT OF PUBLIC SAFETY
CHAPTER 38
 Statutory Authority: 1976 Code Section 56-5-6560

38-1000. Contact Information from Traffic Stops

Preamble:

The South Carolina Department of Public Safety is proposing to publish regulations under Article 11 of Chapter 38 of the Department's regulations. These regulations relate to contact information required to be collected by law enforcement officers when a driver is stopped for a traffic violation, but the driver is not issued a traffic citation or placed under arrest. Section 56-5-6560 requires all law enforcement agencies to collect specific information from the driver in these situations and report that information to the South Carolina Department of Public Safety. Section 56-5-6560 further requires the Department of Public Safety to enact regulations on this matter. A Notice of Drafting for the Proposed Regulations was published in the State Register on August 24, 2007. A discussion of the proposed regulations and statement of need and reasonableness is contained herein.

Section by Section Discussion

Article 11

38-1000. Paragraph (A) provides the definitions for this program. Paragraph (B) outlines the procedures to be used by agencies in collecting the required information. Paragraph (C) of this section outlines the procedures to be followed by agencies in reporting the required information. Finally, paragraph (D) provides information on the report the Department will produce as required by Section 56-5-6560.

Notice of Public Hearing and Opportunity for Public Comment:

The South Carolina Department of Public Safety will conduct a public hearing for the purpose of receiving oral comments, data, views or arguments on April 7, 2008 at 10:00 a.m. if requested in accordance with the provisions of Section 1-23-110 by twenty-five persons, by a governmental sub-division or agency, or by an association having not less than twenty-five members. Requests for a hearing must be in writing and received by the Department of Public Safety by 5:00 p.m. on March 24, 2008. The public hearing will be held at the Administrative Law Court, 1205 Pendleton Street, Brown Building, Second Floor, Columbia, South Carolina 29201. Written comments will be accepted until 5:00 p.m., March 24, 2008. Please submit comments and hearing requests to Ms. Rachel Erwin, South Carolina Department of Public Safety, P.O. Box 1993, Blythewood, S.C. 29016.

Preliminary Fiscal Impact Statement:

The Department anticipates the adoption of these regulations will have a minimum impact on the Department. The Department further anticipates the fiscal impact on reporting agencies will need to include the following areas: 1) officer training for the collection of the data, 2) categorization and summarization of the data, and 3) actual data entry. The lifecycle cost of this initiative on the reporting agencies will be directly related to their relative state of automation. The more manual their operation, the more long-term cost the agency will likely incur. Another contributing factor to the overall cost is the volume of activity that an agency has that falls within the parameters of this initiative. It is the Department's belief that the most significant effort for any reporting agency will be in the area of data categorization and summarization.

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Statement of Need and Reasonableness:

The statement of need and reasonableness of the regulation was determined based on staff analysis pursuant to S. C. Code Ann. Section 1-23-115 (C) (1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION:

The proposed regulation will provide the procedures local and other State law enforcement agencies must follow in reporting contact information from traffic stops to the Department of Public Safety.

Purpose: The Department of Public Safety proposes to publish these regulations in compliance with Section 56-5-6560.

Legal Authority: Section 23-3-30(6).

Plan for Implementation: The Department has developed a web-based application for agencies to upload contact information. Each agency affected by this code section has been issued a user account and a password to access the website so information can be uploaded.

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

The proposed regulation is needed to comply with the Department's responsibilities as outlined by Section 56-5-6560.

DETERMINATION OF COSTS AND BENEFITS:

The cost to the Department of Public Safety of implementing this regulation will be minimal. The cost to local agencies and other state agencies will vary as outlined above in the preliminary fiscal impact.

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:

The proposed regulation will have no detrimental effect on the environment and public health if the regulation is not implemented.

Statement of Rationale:

The purpose of Reg. 38-1000 is to outline the procedures local and other State law Enforcement agencies must follow in reporting contact information from traffic stops to the Department of Public Safety pursuant to Section 56-5-6560. There was no scientific or technical basis relied upon in the development of this regulation.

Text:

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

Document No. 3203
PUBLIC SERVICE COMMISSION
CHAPTER 103
Statutory Authority: 1976 Code Section 58-3-140

103-607. Bonding or Other Security for Prepaid Local Exchange Telephone Service Carriers

Preamble:

The Public Service Commission of South Carolina has determined that the need has arisen to establish a docket to determine whether and in what manner regulations should provide for bonding or other security to protect consumers of prepaid local exchange telephone service.

Section-by-Section Discussion

103-607. This Regulation is added to govern bonds or other security mechanisms for telecommunications carriers who provide prepaid local service.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2007-400-C. To be considered, comments must be received no later than 4:45 p.m. on April 2, 2008. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Public Service Commission on April 29, 2008, at 2:00 p.m. in the Commission's Hearing Room, 101 Executive Center Drive, Columbia, South Carolina 29210.

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: 26 S.C. Code Ann. Regs. 103-607

Purpose: The purpose of the proposed regulation is to provide protection to consumers who do not receive services after they have paid money to receive prepaid telephone service. The proposed regulation states to whom the regulation applies, and it indicates the types of security mechanisms the Commission can require the telecommunications carrier to file.

Legal Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2007)

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

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

The addition of a regulation governing bonds or other security mechanisms for prepaid local exchange telecommunications carriers will benefit the public by protecting consumers who have invested in a service prior to receipt of the service.

DETERMINATION OF COSTS AND BENEFITS:

Although costs related to creating Regulation 103-607 are minimal, the benefits include the promulgation of a regulation that develops criteria for provisioning of prepaid local telecommunications service.

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:

The regulation will have no detrimental effect on the environment or public health if the regulation is not implemented.

Statement of Rationale:

The purpose of 26 S.C. Code Ann. Regs. 103-607 is to create a regulation which governs the provisioning of prepaid local exchange telecommunications services regarding bonding or other forms of security. There was no scientific or technical basis relied upon in the development of this regulation.

Text:

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

Document No. 3116
DEPARTMENT OF INSURANCE
 CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110, 38-79-20, 38-81-10, and 1-23-110 et seq.

69-21. Filing of Malpractice Insurance Claims with Chief Insurance Commissioner

Synopsis:

This regulation was promulgated to implement the requirements of S.C. Section 38-79-10 and Section 38-81-10. Section 39-79-10, which required insurers to file medical malpractice claim information with the Department of Insurance, was repealed in 1998. Insurers are no longer required to file medical malpractice claim information; therefore, Regulation 69-21 is no longer necessary.

Subpart A: Subpart A addresses the definitions applicable to the regulation.

Subpart B: Subpart B addresses the filing of claims.

Subpart C: Subpart C addresses confidentiality.

Instructions: Repeal R.69-21, Filing of Malpractice Insurance Claims with Chief Insurance Commissioner.

Text:

69-21. Filing of Malpractice Insurance Claims with Chief Insurance Commissioner.

A. Definitions.

As used in this regulation:

(1) "Insurer" means any insurance company transacting a legal malpractice or medical malpractice insurance business in this State, including both a licensed insurer and an unlicensed but approved surplus lines insurer. For purposes of this regulation, the term "insurer" shall also include the South Carolina Medical Malpractice Liability Joint Underwriting Association created under S. C. Code Section 38-79-120 (1976), as amended, and any similar entity now or hereafter created to provide legal malpractice insurance in this State.

(2) "Legal Malpractice Insurance" means legal professional liability insurance or insurance protection against the legal liability of the insured and against loss, damage or expense incident to a claim arising out of the injury of any person as the result of negligence or malpractice in rendering or failing to render professional service by any licensed attorney.

(3) "Medical Malpractice Insurance" means medical professional liability insurance or insurance protection against the legal liability of the insured and against loss, damage or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering or failing to render professional service by any licensed physician, hospital or other licensed health care provider.

B. Filing of Claims.

Pursuant to S. C. Code Sections 38-79-10 and 38-81-10 (1976), as amended, every medical malpractice insurance claim and every legal malpractice insurance claim filed in the State with any insurer must be reported by the insurer to the Chief Insurance Commissioner. Each claim shall be reported on a form prescribed or approved by the Commissioner, which shall include the causes of the complaint, the disposition of the claim, and any other information which the Commissioner considers important in observing and reporting on professional liability trends in South Carolina, including, but not limited to, the reserves set aside for the claim, the amounts paid in settlement or awarded by a jury, and the names of the claimant and

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defendant. Insurers must submit reports as required herein not later than forty-five (45) days following the close of each calendar quarter.

C. Confidentiality.

Sections 38-79-10 and 38-81-10 only authorize release of information submitted in a report to appropriate disciplinary and licensing agencies to assist such agencies in improving the quality of health care and the quality of professional legal services. Therefore, specific information about a specific claim contained in a specific report will be held in confidence by the Commissioner and will not be released to any person other than an appropriate disciplinary and licensing agency.

The Commissioner believes, however, that it is the intent of the General Assembly to protect only the identities of the claimant and defendant, as well as other identifying information relative to a specific occurrence or claim. The Commissioner does not believe that he is prohibited from compiling gross statistics from information reported, in view of the statutory directive that he maintain records containing information "... which he considers important in observing and reporting on professional liability trends in this State." Because any such statistical summaries that the Commissioner may compile would not contain the identities of the parties or any other identifying information about a specific claim or occurrence, they will not be held in confidence.

Fiscal Impact Statement:

Staff anticipates no additional cost incurred by the State or any political subdivision.

Document No. 3117
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110, 38-73-70, 38-73-640, 1-23-10 et seq.

69-55. Workers' Compensation Assigned Risk Rates

Synopsis:

This regulation was promulgated to implement a process for the determination of worker's compensation assigned risk rates.

Instructions: Repeal R.69-55, Workers' Compensation Assigned Risk Rates.

Text:

The rating organization for workers' compensation that is charged by the Department with monitoring the assigned risk plan shall evaluate the adequacy of assigned risk rates every year. By October 1st of each year, the rating organization shall send an analysis to the Department regarding such rates.

The Department shall provide a copy of the analysis to the Consumer Advocate and make such analysis publicly available upon request.

By December 1st of each year, the Department shall make available to the Consumer Advocate, and to requests from the public, the Department's proposed action for a ten-day comment period. After the expiration of the comment period, the Department may issue an order making the changes as necessary.

Fiscal Impact Statement:

Staff anticipates no financial impact on the State or any political subdivision.

Resubmitted April 12, 2007

Document No. 3119
DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE APPRAISERS BOARD
CHAPTER 137

Statutory Authority: 1976 Code Sections 40-60-60 and 40-60-90

137-100 et seq. Education and Licensure Standards

Synopsis:

The Real Estate Appraisers Board is amending Regulations 137-100 through 137-900.09 regarding education and licensure standards by updating the language and clarifying requirements to conform to 2006 Act 257.

Instructions:

The following is a section by section discussion of the amendments proposed by the Real Estate Appraisers Board:

137-100. New section. Publish as indicated below.

137-100.02. Replace as indicated below

137-100.03 through 137-200.03 Remains the same

137-200.04 through 137-300.02 Replace as indicated below

137-400.01 Remains the same

137-500.01 through 137-600.01 Replace as indicated below

137-600.02 through 137-600.03 Remains the same

137-600.04 Replace as indicated below

137-700.01 Remains the same

137-700.02 Replace as indicated below

137-700.03 through 137-800.02 Remains the same

137-800.03 through 137-800.06 Replace as indicated below

137-900.01 through 137-900.04 Remains the same

137-900.05 Replace as indicated below

137-900.06 through 137-900.07 Remains the same

137-900.08 through 137-900.09 Replace as indicated below

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Text:

137.100. Definitions

(1) “Asynchronous” means communication that does not take place at the same time. It is characterized by as needed, intermittent communication.

(2) “Distance Education” means the process of delivering instruction when the instructors and the students are separated by distance.

(3) “Synchronous” means communication in which the interaction is simultaneous. It is characterized by live two-way communication.

137-100.02. Qualifications.

(A) In order to qualify as a state apprentice, licensed or certified appraiser, an applicant must meet the requirements set forth below, as well as any requirements established by the Appraiser Qualifications Board (AQB) and the Appraisal Standards Board (ASB) of the Appraisal Foundation, as subsequently endorsed by the Appraisal Subcommittee pursuant to Title XI of the Financial Institutions Reform Recovery, and Enforcement Act of 1989.

(B) In order to qualify as an appraiser apprentice, an applicant must have received 75 hours of Core Curriculum prescribed by the AQB in classroom education covering thirty (30) hours in Basic Appraisal Principles, thirty (30) hours in Basic Appraisal Procedures, and fifteen (15) hour National Uniform Standards of Professional Appraisal Practice or its equivalent as determined by the AQB.

(C) In order to qualify to become a state licensed real estate appraiser, an applicant:

(1) must have received one hundred fifty (150) hours of Core Curriculum prescribed by the AQB in classroom education covering thirty (30) hours in Basic Appraisal Principles, thirty (30) hours in Basic Appraisal Procedures, fifteen (15) hour National Uniform Standards of Professional Appraisal Practice or its equivalent as determined by the AQB, fifteen (15) hours in Residential Market Analysis and Highest and Best Use, fifteen (15) hours in Residential Appraiser Site Valuation and Cost Approach, thirty (30) hours in Residential Sales Comparison and Income Approaches, and fifteen (15) hours in Residential Report Writing and Case Studies.

(2) must have earned a minimum of two hundred fifty (250) experience points in appraising either residential or nonresidential properties in no fewer than 24 months; however, the maximum number of points which an applicant can earn in review (field, documentary, or desk) appraisal experience is limited to one hundred twenty-five (125) points. Qualifying experience must be obtained after January 30, 1989, be in appraisal work conforming to Standards 1, 2, 3, 4, 5, and/or 6 where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), reporting conclusions, and be of a variety sufficient to demonstrate competency in all USPAP recognized approaches to value; and

(3) must have at least twenty-four (24) months of real estate appraisal experience commencing as of the date that the first assignment is completed; and

(4) must stand for and pass an exam administered or approved by the Board. An applicant who does not become licensed within five years after passing the examination must retake the examination.

(D) In order to qualify to become a state certified residential real estate appraiser, an applicant:

(1) must have received two hundred (200) hours of Core Curriculum prescribed by the AQB in classroom education covering thirty hours in Basic Appraisal Principles, thirty (30) hours in Basic Appraisal Procedures, fifteen (15) hour National Uniform Standards of Professional Appraisal Practice or its equivalent as determined by the AQB, fifteen (15) hours in Residential Market Analysis and Highest and Best Use, fifteen (15) hours in Residential Appraiser Site Valuation and Cost Approach, thirty (30) hours in Residential Sales Comparison and Income Approaches, fifteen (15) hours in Residential Report Writing and Case Studies, fifteen (15) hours in Statistics, Modeling, and Finance, fifteen (15) hours in Advanced Residential Applications and Case Studies, and twenty (20) hours in appraisal subject matter electives.

(2) Applicants for the Certified Residential license must hold an Associate degree or higher, from an accredited college, community college, or university. In lieu of the Associate degree, an applicant for the Certified Residential license shall successfully pass the following collegiate subject matter courses from an accredited college, junior college, community college or university:

- (a) English Composition;
- (b) Principles of Economics (Micro or Macro);
- (c) Finance;
- (d) Algebra, Geometry, or higher mathematics;
- (e) Statistics;
- (f) Introduction to Computers-Word processing / spreadsheets; and
- (g) Business or Real Estate Law.

Total credits are the total hours of equivalent college courses in lieu of an Associate degree or 21 semester credit hours for the Certified Residential appraiser. If an accredited college or university accepts the College-Level Examination Program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

(3) must have earned a minimum of three hundred twelve and one-half (312.5) experience points in appraising either residential or nonresidential properties; however, the maximum number of points which an applicant can earn in review (field, documentary, or desk) appraisal experience is limited to one hundred fifty six and one quarter (156.25) points. Qualifying experience must be obtained after January 30, 1989, be in appraisal work conforming to Standards 1, 2, 3, 4, 5, and/or 6 where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), reporting conclusions, and be of a variety sufficient to demonstrate competency in all USPAP recognized approaches to value; and

(4) must have at least twenty-four (24) months of real estate appraisal experience commencing as of the date that the first assignment is completed; and

(5) must stand for and pass an exam administered or approved by the Board. An applicant who does not become certified within two years after passing the examination must retake the examination to qualify for residential certification.

(E) In order to qualify to become a state certified general real estate appraiser, an applicant:

(1) must have received three hundred (300) hours of Core Curriculum prescribed by the AQB in classroom education covering thirty (30) hours in Basic Appraisal Principles, thirty (30) hours in Basic Appraisal Procedures, fifteen (15) hour National Uniform Standards of Professional Appraisal Practice or its equivalent as determined by the AQB, thirty (30) hours in General Appraiser Market Analysis and Highest and Best Use, fifteen (15) hours in Statistics, Modeling, and Finance, thirty (30) hours in General Appraiser Sales Comparison Approach, at least thirty (30) hours in General Appraiser Site Valuation and Cost Approach, sixty (60) hours in General Appraiser Income Approach, thirty (30) hours in General Appraiser Report Writing and Case Studies, and thirty (30) hours in appraisal subject matter electives.

(2) Applicants for the Certified General license must hold a Bachelors degree or higher from an accredited college or university. In lieu of the Bachelors degree, an applicant for the Certified General credential shall successfully pass the following collegiate level subject matter courses from an accredited college, junior college, community college or university:

- (a) English Composition;
- (b) Micro Economics;
- (c) Macro Economics;
- (d) Finance;
- (e) Algebra, Geometry, or higher mathematics;
- (f) Statistics;
- (g) Introduction to Computers-Word processing / spreadsheets;
- (h) Business or Real Estate Law; and
- (i) Two elective courses in accounting, geography, ageconomics, business management, or real estate.

Total credits are the total hours of equivalent college courses in lieu of a Bachelor's degree or 30 semester credit hours for the Certified General appraiser. If an accredited college or university accepts the College-Level Examination Program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

(3) must have earned a minimum of three hundred seventy-five (375) experience points, fifty (50%) percent of which must come from appraising nonresidential properties. The maximum number of points which an applicant can earn in review (field, documentary, or desk) appraisal experience is limited to one hundred eighty-seven and one-half (187.50) points. Qualifying experience must be obtained after January 30, 1989, be

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in appraisal work conforming to Standards 1, 2, 3, 4, 5, and/or 6 where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), reporting conclusions, and be of a variety sufficient to demonstrate competency in all USPAP recognized approaches to value;

(4) must have at least thirty (30) months of real estate appraisal experience commencing as of the date that the first assignment is completed; and

(5) must stand for and pass an exam administered or approved by the Board. An applicant who does not become certified within two years after passing the examination must retake the examination to qualify for general certification.

(F) Courses taken in satisfying the qualifying education requirements should not be repetitive in nature. Each course credited toward the required number of qualifying education hours should represent a progression in which the appraiser's knowledge is increased.

(G) The Board may waive the examination requirements for those applicants who are currently licensed or certified in another state upon proof that the applicant has successfully passed an Appraisal Qualifications Board approved exam which served as a requirement for licensure or certification in the state where he is currently licensed or certified.

137-200.04. Mass Appraisal Experience Verification.

Persons claiming mass appraisal experience must provide a statement of verification of the experience claimed. This verification should be completed by the applicant's supervisor or employer where the mass appraisal experience was required. The experience claimed by the applicant must be reported on a log in compliance with 137-300.01(A)(2).

137-300.01. Responsibilities Of An Appraiser Apprentice.

(A) The holder of an appraiser apprentice permit issued by the Board must comply with the following:

(1) The apprentice shall perform appraisal assignments only under the direct supervision of a state certified residential or state certified general real estate appraiser.

(2) The apprentice shall maintain a log which shall contain the following for each appraisal assignment:

(a) Date of appraisal.

(b) Address of appraised property.

(c) Description of work performed.

(d) Type of property.

(e) Number of points claimed for the assignment.

(f) Name and address of the client.

(g) Name, signature and certification number of supervising appraiser.

(3) The apprentice shall maintain copies of all appraisals.

(4) The apprentice shall make the log and all appraisals available at all times for inspection by the Board.

(5) When performing appraisal assignments, the apprentice shall have in his or her possession the permit issued by the Board.

(6) The apprentice is eligible to take the appraisal licensing or certification examinations after completing the requisite Board-approved AQB Core Curriculum.

137-300.02. Responsibilities Of A Supervising Appraiser.

(A) With respect to an appraiser apprentice employed or retained by or associated with a state certified appraiser:

(1) For purposes of this section, "direct supervision" means to personally review an appraisal report prepared by an apprentice and to sign and certify the report as being independently and impartially prepared and in compliance with the Uniform Standards of Professional Appraisal Practice, these regulations, and applicable statutory requirements.

(2) A state certified appraiser having direct supervisory authority over the appraiser apprentice shall make reasonable efforts to ensure that the apprentice's conduct is compatible with the professional standards of the supervising appraiser.

(3) A supervising appraiser shall be responsible for conduct of an appraiser apprentice that would be a violation of the Uniform Standards of Professional Appraisal Practice if:

(a) the supervising appraiser orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(b) the supervising appraiser has direct supervisory authority over the apprentice, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

(B) A supervising appraiser of an appraiser apprentice shall also:

(1) Acknowledge in the appraisal certification the professional contribution of the apprentice in accordance with the Uniform Standards of Professional Appraisal Practice; and

(2) Provide the apprentice with a copy of any final appraisal document in which the apprentice participated.

(3) Personally accompany each apprentice on appraisal assignments until the apprentice documents seventy-five (75) experience points.

(4) Jointly maintain with the appraiser apprentice an experience log as established in Section 137-300.01(A)(2).

(5) Be in good standing with the Board and not subject to any disciplinary action within the last two years that affects the supervisor's legal eligibility to engage in the practice of appraising.

137-500.01. Continuing Education.

(A) All appraisers, including appraiser apprentices, prior to their first and all subsequent renewals of their authorization to engage in real estate appraisal activity, must complete the continuing education requirement of at least twenty-eight (28) classroom hours of approved instruction biennially.

(B) Continuing education is to be reported on a form approved by the Board and must have all supporting documentation attached. To ensure that it is recorded prior to the renewal deadline of June 30 and does not delay an appraiser's renewal, it should be received by the Board no later than June 1. The Board cannot guarantee that a renewal will be processed prior to the expiration date of June 30 if forms are received after June 1. Any continuing education reports submitted after August 31 will be subject to a late fee.

(C) Approved qualifying courses may be used to meet the continuing education requirement provided that the following conditions are met:

(1) Qualifying courses taken after July 1, 1992, must be on the approved list.

(2) The level of the course must be above the appraiser's current status [e.g. a licensed appraiser may receive continuing education credit for taking a Certified Residential or Certified General Level Course.

(3) Credit will not be given for the same category course taken within a two (2) year period.

(4) The 7-hour National Uniform Standards of Professional Appraiser Practice Update Course must be taken by all appraisers at least every two (2) years.

(D) Appraisers may request that they receive credit for continuing education for a course taken that has not been approved by the Board. Credit will be granted only if the appraiser provides satisfactory proof of course completion and the Board finds that the course meets the criteria set for continuing education courses with regard to subject matter, course length, instructor qualification and student attendance. Requests for continuing education credit for non-approved courses must be made on a form approved by the Board and must be submitted along with a non-refundable fee.

(E) Appraisers who received their authority to engage in real estate appraisal activity in South Carolina through either a reciprocal agreement with their state of residence or as a non-resident South Carolina appraiser may meet the continuing education requirements by providing evidence that they have met the continuing education requirements of their state of residence. Such real estate appraisal requirements must meet South Carolina's minimum hour requirements and be approved by the regulatory agency in their state.

(F) Submission of false or misleading information is grounds for immediate revocation of the appraiser's authority to practice and other disciplinary actions.

(G) Approved instructors may receive up to one-half of their continuing education credit for teaching continuing education courses, subject to Board approval. Credit will not be given for the same continuing education course more than once during a continuing education cycle.

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137-600.01. Written Complaints.

A copy of a written complaint received by the Board alleging activities in violation of the South Carolina Real Estate Appraiser, License and Certification Act or these regulations or concerning the qualifications of any state permitted, licensed, or certified appraiser, shall be mailed to the last known address of the person against whom the complaint is filed together with a request for a written response to the allegation. The investigation may also include such other inquiries as may be deemed appropriate to complete the processing of the complaint.

137-600.04. Disciplinary Actions.

(A) The Board may, upon its own motion, and shall, upon the written complaint of any aggrieved person, investigate the activities of an applicant or a person permitted, licensed, or certified under this chapter and may deny, suspend, revoke, or otherwise restrict a permit, license, or certification and/or impose a public reprimand, other discipline, and/or a fine not to exceed one thousand dollars per occurrence, if the Board finds an applicant, State apprentice appraiser, licensed appraiser, or certified appraiser has violated any provision of the South Carolina Real Estate Appraiser License and Certification Act or these regulations.

(B) When an appraiser has previously been sanctioned by the Board or by any other state's real estate appraiser regulatory authority, the Board may consider these prior sanctions in determining the severity of a new sanction which may be imposed upon a finding that an appraiser has violated a provision of this chapter or any of the regulations of the Board. The failure of an appraiser to comply with or to obey a final order of the Board may be cause for suspension or revocation of the individual's permit, license, or certification after opportunity for a hearing.

(C) In a disciplinary proceeding based upon a civil judgment, an appraiser must be afforded an opportunity to present matters in mitigation and extenuation, but may not collaterally attack the civil judgment.

(D) The Board may fine and reprimand a provider or instructor or deny, revoke, suspend or otherwise withdraw the approval of any provider or instructor upon finding that the provider or instructor:

(1) Fails to meet the criteria for approval referenced by these Regulations or no longer meets the standards established by the Board; or

(2) Provides false or materially inaccurate information to the Board when making application for approval; or

(3) Fails to provide information requested by the Board; or

(4) Falsifies official documents or reports; or

(5) Otherwise violates or fails to satisfy the provisions of the South Carolina Real Estate Appraiser License and Certification Act and the regulations pertaining thereto or any other applicable professional licensing laws and regulations.

(E) Before any sanction is imposed upon a provider or instructor, the provider or instructor shall be entitled to a hearing. The hearing must be at a time and place designated by the Board and in accordance with the State Administrative Procedures Act.

137-700.02. Role of Board Members.

The members collectively shall be responsible for reviewing evidence and hearing testimony and argument in order to:

(1) Determine whether or not the alleged conduct was supported by the evidence;

(2) Determine whether or not the conduct was a violation of the South Carolina Real Estate Appraiser License and Certification Act and/or related regulations;

(3) Determine and impose appropriate sanctions.

137-800.03. Annual Fee Schedule.

Type Fee

Appraiser apprentice permit 200.00

Appraiser apprentice permit renewal 200.00

Appraiser license/certification examination fee 100.00

Appraiser license/certification 200.00

Appraiser license/certification renewal 200.00
 Late penalty for renewal of license/certification/inactive status:
 July 1 through July 31 75.00
 August 1 through August 31 100.00
 After August 31 and before next renewal period 150.00
 Late penalty for submission of continuing education credit 50.00 after July 31
 Permit/license/certification replacement fee 25.00
 Personal name change 15.00
 Inactive status 100.00
 Reinstatement from inactive licensed or certified appraiser 200.00
 Attestation of license/certification 20.00
 Course approval (under 15 hours) 100.00
 Course approval (15 hours or more) 200.00
 Course approval renewal 100.00
 Penalty for late course renewal 50.00
 Instructor approval 200.00
 Instructor approval renewal 150.00
 Penalty for late instructor renewal 50.00
 Appraisers roster 20.00
 Appraiser mailing labels 50.00
 Diskette of appraisers roster 25.00
 Change in appraiser classification 75.00
 Appraiser equivalent continuing education approval 50.00
 Bad check charge 20.00
 Temporary practice permit 50.00

In addition to the fees listed above, an annual Federal Registry Transmittal fee of 25.00 established by Public Law 101-73, Title XI, Real Estate Appraisal Reform Amendments will be charged for all licenses and certifications.

If reinstatement occurs within the same license year, the fee is 100.00.

If reinstatement occurs within a subsequent license year, the license or certification reinstatement fee equals the license or certification renewal fee set forth in Section 137-800.03.

137-800.04. Permit, License and Certification Renewals.

All appraiser permits, licenses, and certifications expire biennially on June 30, except those appraisers who first become permitted, licensed or certified in the last quarter of the fiscal year (April 1 to June 30) are not required to renew until the end of the following fiscal year.

137-800.05. Expired Permit, License or Certificate.

(A) Expired real estate appraiser permits, licenses and certificates may be reinstated within 12 months after expiration upon proper application, payment to the Board of the renewal fee as established in Section 137-800.03, plus a late fee as established in Section 137-800.03, and proof of having obtained the continuing education that would have been required had the permit, license or certificate been continuously renewed.

(B) Permits, licenses and certificates expired for more than twelve (12) months will be cancelled. Such cancelled permits, licenses and certificates may be considered for reinstatement upon proper application, payment of the original license or certificate fee as established in Section 137-800.03, payment of the late fee as established in Section 137-800.03, and proof of having obtained continuing education equal to the total number of classroom hours that would have been required had the permit, license or certificate been continuously renewed including the most recent 7-hour National Uniform Standards of Professional Appraisal Practice Update Course. Such applications will be reviewed by the Board to determine whether an examination and/or additional real estate appraisal education will be required.

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137-800.06. Disclosure Of Appraiser Classification and Number.

(A) When signing an appraisal report, an appraiser shall, adjacent to his or her signature, print or type his or her appraiser classification and number assigned by the Board.

(B) When an individual holds himself out as an appraiser either in any advertisement, statement of qualifications, contract or other instrument used by the appraiser, the appraiser shall print or type his or her name, appraiser classification, and number assigned by the Board. If the appraiser signs such document or advertisement, the appraiser shall, adjacent to his or her signature, print or type his or her appraiser classification and number assigned by the Board.

137-900.05. Curriculum and Attendance.

(A) Topics for qualifying courses referenced in the South Carolina Real Estate Appraiser License and Certification Act must be broad in scope and must cover various principles, concepts, standards, practices and/or methods that are applicable to the performance of a wide range of appraisal assignments that will commonly be encountered by licenses or certified appraisers in connection with appraisals in federally-related transactions. The courses must be at least fifteen (15) hours and must include an examination pertinent to that educational offering. Prelicense appraisal courses must be in modules which require a specified number of education hours at each credential level as established by the Appraiser Qualifications Board (AQB) of The Appraisal Foundation.

(B) The seventy-five (75) hours required for qualifying as a real estate appraiser apprentice must emphasize appraisal of one-to four-unit residential properties and must include content on the following course modules:

1. Basic Appraisal Principles (30 hours);
2. Basic Appraisal Procedures (30 hours);
3. National USPAP Course or its equivalent as determined by the AQB (15 hours).

(C) The one hundred fifty (150) hours required for a state licensed real estate appraiser must include content from the Basic Appraisal Principles (30 hours), Basic Appraisal Procedures (30 hours) and the National USPAP Course or its equivalent as determined by the AQB (15 hours) in addition to the following course modules:

1. Residential Market Analysis And Highest And Best Use (15 hours);
2. Residential Appraiser Site Valuation And Cost Approach (15 hours);
3. Residential Sales Comparison And Income Approaches (30 hours);
4. Residential Report Writing And Case Studies (15 hours).

(D) The two hundred (200) hours required for a state certified residential real estate appraiser must include content from the Basic Appraisal Principles (30 hours), Basic Appraisal Procedures (30 hours), National USPAP Course or its equivalent as determined by the AQB (15 hours), Residential Market Analysis And Highest And Best Use (15 hours), Residential Appraiser Site Valuation And Cost Approach (15 hours), Residential Sales Comparison And Income Approaches (30 hours), and Residential Report Writing And Case Studies (15 hours) in addition to the following course modules:

1. Statistics, Modeling And Finance (15 hours);
2. Advanced Residential Applications And Case Studies (15 hours);
3. Appraisal Subject Matter Electives (20 hours and may include hours over the minimum in other modules).

(E) The three hundred (300) hours required for a state certified general real estate appraiser must include content from the Basic Appraisal Principles (30 hours), Basic Appraisal Procedures (30 hours), National USPAP Course or its equivalent as determined by the AQB (15 hours), Statistics, Modeling And Finance (15 hours) in addition to the following course modules:

1. General Appraiser Market Analysis And Highest And Best Use (30 hours);
2. General Appraiser Sales Comparison Approach (30 hours);
3. General Appraiser Site Valuation And Cost Approach (30 hours);
4. General Appraiser Income Approach (60 hours);
5. General Appraiser Report Writing And Case Studies (30 hours);
6. Appraisal Subject Matter Electives (30 hours and may include hours over the minimum in other modules).

(F) Topics for continuing education courses must contribute to the goal of maintaining or increasing the knowledge, skill and competence of real estate appraisers with regard to the performance of real estate appraisals in a manner that best serves the public interest and must be a minimum of two (2) classroom hours in length.

(G) Learning objectives and detailed lesson plans reflecting the course content with time allotments must be furnished to the Board at the time of application for approval, along with copies of all quizzes and examinations for qualifying courses. Examinations and the criteria for such examinations and final grade determination may be developed by each provider based on its individual concepts. The Board may, however, direct alterations in examinations procedures, criteria for passing, and administration whenever deemed necessary.

(H) Providers must identify to the Board the texts to be used in any approved course of instruction. The Board may direct that the school withdraw texts and may require additional instructional materials.

(I) For qualifying courses, providers must establish uniform testing and grading procedures for their quizzes and examinations and must use approved instructors for administering and monitoring all such tests. No proprietor, instructor or any other individual may arbitrarily alter a student's grade or offer to students any re-examination of the same test previously administered. Retake examinations must contain at least eighty percent (80%) new material.

(J) Class meetings must be limited to a maximum of eight (8) hours in any given day. Students must be allowed one ten (10) minute break each hour and must be allowed at least one thirty-minute break for classes that exceed four (4) hours. Providers must require strict attendance of all classroom hours required by law and must maintain records indicating all student absences.

(K) Providers may offer students failing to meet the minimum-hour requirement make-up sessions as follows:

1. a make-up session offered by the provider consisting of the content covered in the session or hours missed; or
2. a video tape of the class session missed, supervised by the instructor, if not more than twenty percent (20%) of the classroom hours are missed; or
3. attendance of the same class session offered by the provider at a future date.

(L) Each provider shall, upon request by the Board, provide the Board with a roster of students in attendance at an approved course. The roster shall list the course identification number assigned by the Board, provider's name, instructor's name, title, location and dates of course; full legal name, address, phone number, permit/license/certificate number, if applicable, of each student, along with the number of hours in attendance and final grade, if applicable. Rosters must be verified by an authorized official of the provider.

(M) A Certificate of Completion prescribed by the Board shall be awarded to each course graduate, signed and dated by the authorized official of the provider, and must contain the course identification number assigned by the Board, provider's name and address, title, location, dates and number of hours of the course, full legal name, and license number, if applicable, of the student.

137-900.08. Other Operating Procedures.

(A) Teaching methods.

Courses must be taught by Board-approved instructors and presented using traditional classroom teaching methods. Correspondence courses will not be approved. Nothing in this section, however, shall prohibit the use of video equipment as a teaching supplement.

(B) Distance Education Courses may be acceptable for continuing education provided that the following has been met:

1. The course is presented to an organized group in an instructional setting with a person qualified and available to answer questions, provide information, and monitor student attendance;
2. An asynchronous course has received approval of the International Distance Education Certification Center (IDECC) for the course design and delivery mechanism and the South Carolina Real Estate Appraisers Board for course content;
3. For continuing education, the student must successfully complete the course mechanisms required for accreditation which demonstrates mastery and fluency of the content. Incremental student assessments must be present throughout asynchronous continuing education courses in order to be acceptable.

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(C) Facilities and equipment.

1. All facilities must meet the appropriate building, health and fire codes, must be maintained in a safe and sanitary condition at all times and are subject to inspection and approval by a representative of the Board.

2. Classrooms must be of sufficient size to accommodate comfortably all students enrolled in a course, shall have adequate light, heat, cooling and ventilation, and shall be free of distractions which would disrupt class sessions.

3. Classrooms must contain a chalkboard or other audio-visual aid and desks or worktables sufficient to accommodate all students enrolled in a course.

(D) Advertising.

1. "Advertising" includes any form of public notice, however disseminated. This definition includes all publications and promotional items and efforts which could normally be expected to be seen or heard by prospective students. Examples include but are not limited to: catalogs, flyers, signs, mailing pieces, radio, television, audio-visual, newspaper or any other form of public notice designed to aid in the provider's recruiting and promotional activities. Advertising also includes oral communications.

2. Each provider must maintain high standards in the conduct of its operations, solicitation of its students and in its advertising and promotional material. The use of any unfair or deceptive practice or the making or causing to be made of any false, misleading or deceptive statement in any advertising or promotional material which has the tendency or capacity to mislead or deceive students, prospective students, or the public shall be cause for disciplinary action.

3. The name of the provider must be disclosed in each advertising offering.

4. A provider may not advertise or imply that it is "recommended" or "endorsed" by the South Carolina Real Estate Appraisers Board.

(E) Audit and record keeping.

1. Providers must keep copies of all enrollment agreements, advertising, rosters and attendance records. Such records must be kept for five (5) years and be made available to a representative of the Board upon request.

2. Providers must permit periodic inspections and auditing by a representative of the Board for the purpose of evaluating facilities, course content, instructor performance of any other relevant aspect of the administration and conduct of such course.

(F) Changes.

Proposed changes to name, course content and/or length, texts, instructors, operating policies and procedures must be submitted to and approved by the Board prior to implementation.

(G) Complaints.

Providers must post in a conspicuous place a notice which states the following: "Any complaint concerning a Board-approved real estate appraiser course or instructor should be directed to the South Carolina Real Estate Appraisers Board at (the Board's current address)."

137-900.09. Instructors.

(A) Approved courses held in this state must be taught by Board-approved instructors. Instructors teaching courses which are part of a degree program offered by an accredited college, university, technical college, community college or junior college may be deemed approved by the Board.

(B) Applicants for instructor approval must submit an application form along with supporting documentation as proof of knowledge of subject matter and the ability to teach effectively.

1. As proof of knowledge of the subject matter to be taught, one or more of the following will be considered:

(a) For License and Certified Residential Level Courses, an active state certified residential or certified general appraiser certificate issued by the Board or other authority acceptable to the Board, and at least three (3) years of appraisal experience; or

(b) For Certified General Level Courses, an active state certified general appraiser certificate issued by the Board or other authority acceptable to the Board, and at least three (3) years of nonresidential appraisal experience; or

(c) A college degree in an academic area directly related to the course; or

(d) Previous employment by a state or federal agency performing appraisal work for at least five (5) years immediately preceding application; or

(e) Past experience and/or education acceptable to the Board in a subject area directly related to the course.

2. For continuing education courses acceptable proof of knowledge would also include:

(a) Three (3) years of experience within the past five (5) years directly related to subject matter to be taught; or

(b) Three (3) years of experience within the past five (5) years teaching the subject matter to be taught.

3. As proof of the ability to teach effectively, one or more of the following will be considered:

(a) A current teaching certificate issued by any state department of education (or an equivalent agency);

(b) A four-year undergraduate degree in education; or

(c) Previous experience teaching in schools, seminars or in an equivalent setting for three (3) years within the past five (5) years; or

(d) Serving as a trainee or assistant instructor under the direct supervision of a Board-approved instructor for at least sixty (60) hours; or

(e) Past experience acceptable to the Board in the area of education.

(C) Instructors of the 15-hour National USPAP Course and the 7-hour USPAP Update Course must be AQB Certified USPAP Instructors who are also certified appraisers.

(D) Instructors may be approved by the Board to teach one or more specific subjects or courses as outlined in the South Carolina Real Estate Appraiser License and Certification Act.

(E) An instructor may teach approved courses at locations throughout the State of South Carolina but must notify the Board in advance and record his name on the provider's roster.

(F) A fee must accompany the application for each instructor approval.

(G) Other information not submitted with the application, but which is deemed important to the consideration thereof, may be required by the Board.

(H) If the application is disapproved, reason(s) for disapproval will be detailed and the instructor will be given an opportunity to cure any deficiencies found within thirty (30) days. If deficiencies are cured, the application will be approved.

(I) Each instructor must prominently display in the classroom where an approved course is being offered, a copy of Certificate of Approval.

Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

Statement of Rationale:

Regulations 137-100.02 through 137-900.09 require amendment regarding education and licensure standards by updating the language and clarifying requirements, in conformance with 2006 Act 257.

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Document No. 3109

DEPARTMENT OF REVENUE

CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

117-1720.1. Property Taxation and Fees in Lieu of Property Taxes

Synopsis:

The South Carolina Department of Revenue is considering repealing SC Regulation 117-1720.1 concerning the responsibilities of the Department of Revenue and the Comptroller General with respect to property taxation and fees in lieu of property taxes. Generally speaking, the Department of Revenue (DOR) has jurisdiction over the duties involved with the proper assessment of property for tax purposes and the proper calculation of property taxes, while the Comptroller General supervised the collection of taxes and penalties, and administered the Homestead Tax Exemption Program, including the exemption from school operations found in Section 12-37-251, except for those functions specifically reserved to the DOR. There were "gray" areas as to when the assessment of property for tax purposes and the proper calculation of property taxes ends (DOR) and the collection jurisdiction (Comptroller General) began. These areas which were not clearly assigned by the statutes were divided by agreement between the two agencies. This regulation formalized this agreement.

The responsibilities of the Comptroller General discussed in this regulation have now been moved to the Department of Revenue pursuant to Act 386, Section 55, of 2006. Therefore, SC Regulation 117-1720.1 is no longer needed.

Instructions: Repeal SC Regulation 117-1720.1 concerning the responsibilities of the Department of Revenue and the Comptroller General with respect to property taxation and fees in lieu of property taxes.

Text:

117-1720.1. Reserved.

Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Statement of Rationale:

The purpose of this proposal is to repeal SC Regulation 117-1720.1 concerning the responsibilities of the Department of Revenue and the Comptroller General with respect to property taxation and fees in lieu of property taxes. Since the responsibilities of the Comptroller General discussed in this regulation have now been moved to the Department of Revenue pursuant to Act 386, Section 55, of 2006, SC Regulation 117-1720.1 is no longer needed.

The proposal to repeal this regulation is needed to reduce any taxpayer confusion that may result from having a regulation that no longer reflects how these tax issues are handled and is therefore no longer needed. The proposal to repeal this regulation is also reasonable in that it is the department's responsibility to maintain regulations that are up-to date.

Document No. 3110
DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320

117-318.8. Returned Merchandise and Restocking Fees

Synopsis:

The South Carolina Department of Revenue is considering adding SC Regulation 117-318.8 concerning the application of the sales and use tax with respect to returned merchandise and restocking fees. The Department has followed a 1967 Commission Decision concerning returned merchandise and restocking fees, but believes it is an incorrect interpretation of the statute and is considering adding a regulation to provide that the sales price of property returned by a customer is not subject to the tax only if the "full sales price" is refunded in cash or by credit.

Instructions: Add SC Regulation 117-318.8 concerning the application of the sales and use tax with respect to returned merchandise and restocking fees.

Text:

117-318.8. Returned Merchandise and Restocking Fees (Effective October 1, 2008)

The sales tax is imposed upon a retailer's "gross proceeds of sales" which is defined at Code Section 12-36-90. Code Section 12-36-90(2)(b) specifically states that "gross proceeds of sales" does not include "the sales price of property returned by customers when the full sales price is refunded in cash or by credit."

The use tax is based upon the "sales price" of tangible personal property and the term "sales price" is defined at Code Section 12-36-130. Code Section 12-36-130(2)(b) specifically states that "sales price" does not include "an amount charged for property, which is returned by the purchaser, and the full amount is refunded in cash or by credit."

Therefore, the price ("gross proceeds" or "sales price") charged for property which is returned to the retailer by the purchaser is not subject to the sales tax or the use tax provided the full price is refunded to the purchaser in cash or by credit. If a purchaser returns merchandise to the retailer and receives a refund or credit that is less than the price originally paid because the retailer retains a portion of the price paid as a "restocking" or "handling" fee or for any other reason, then the original price is subject to the tax.

Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation. There will be a minimal increase to general fund collections.

Statement of Rationale:

The purpose of this proposal is to add SC Regulation 117-318.8 concerning the application of the sales and use tax with respect to returned merchandise and restocking fees. Presently, Code Section 12-36-90 defines the term "gross proceeds of sales," the measure or basis for the sales tax, in part as "... the value proceeding or accruing from the sale, lease, or rental of tangible personal property... without any deduction for... the cost of materials, labor, or service... [or] any other expenses ..." Further, the definition specifically states that the term "gross proceeds of sales" does not include "the sales price of property returned by customers when the full sales price is refunded in cash or by credit." However, a 1967 Commission Decision states that the sales price of property returned by a customer is not subject to the tax even if a restocking fee is charged and the "full

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sales price” is not refunded in cash or by credit.” The Department has followed this Commission Decision, but believes it is an incorrect interpretation of the statute and is considering adding a regulation to provide that the sales price of property returned by a customer is not subject to the tax only if the “full sales price” is refunded in cash or by credit. The proposal to add this regulation is needed to reduce any taxpayer confusion that may result from having a published regulation that is in conflict with the law. The proposal to amend this regulation is also reasonable in that it is the department’s responsibility to maintain regulations that are up-to date and consistent with the law. The regulation would be effective on October 1, 2008.

Document No. 3194

DEPARTMENT OF SOCIAL SERVICES

CHAPTER 114

Statutory Authority: 1976 Code Section 20-7-2250

114-4980. Procedures and Practices of Child Placing Agencies

Synopsis:

The Multi-Ethnic Placement Act of 1994 (MEPA), as amended by Section 1808 of the Small Business Job Protection Act of 1996, 42 USC 622(b)(9), 671(a)(18), 674(d) and 1996(b) and in Title VI of the Civil Rights Act of 1964, 2 USC 2000(d), et. seq. as it applies to the foster care and adoption process, was designed to decrease the time children wait for foster care and adoption placement, prevent discrimination in the placement of children, and aid in the identification and recruitment of foster and adoptive families who can meet each child’s needs. It prohibits each agency using federal funds from denying any person the opportunity to become an adoptive or foster parent on the basis of race, color or national origin and from delaying or denying the placement of a child for adoption or foster care on the basis of race, color or national origin. Currently, R.114.4980(H)(2) states that, “the child placing agency when selecting substitute care shall take into consideration a child’s racial, cultural, ethnic, and religious heritage and preserve them to the greatest extent possible,” a requirement which violates the MEPA, a federal law. This regulation removes this requirement from R.114.4980 and brings the State into compliance with the MEPA.

Instructions: Replace R.114.4980 with the following.

Text:

114-4980. Procedures and Practices of Child Placing Agencies

A. Foster Home Licensing/Relicensing

(1) Child placing agency foster homes shall be licensed/relicensed in accordance with R. 114-550 C(1).

(2) Foster Home Licensing procedure is as follows:

(a) The child placing agency shall utilize the regulations established by the Department to conduct the foster home investigations;

(b) The child placing agency shall record the licensing study in their foster home records and make results available to the applicant(s);

(c) The child placing agency shall notify the applicant(s) in writing if the license is denied or revoked;

(d) The Department may issue a license based on the foster home study and retains the sole authority for issuing, denying and revoking that license.

(3) Foster Home Relicensing procedure is as follows:

(a) The child placing agency shall conduct annual relicensing studies on all licensed foster homes to determine continued compliance with the regulations;

(b) The Department may issue, deny or revoke a license based on the relicensing study.

- (4) **Monitoring Foster Homes.** The child placing agency shall monitor all of its licensed foster homes for compliance with the foster home regulations established by the Department.
- (5) **Complaints in Licensed Foster Homes.** When receiving a complaint which may indicate possible violations of the foster home regulations, the child placing agency shall:
 - (a) Conduct an investigation to assess compliance with applicable licensing rules;
 - (b) Send a written report to the foster home stating findings, conclusions, and any anticipated action affecting the license;
 - (c) Notify the Department of the complaint with pertinent information and the identity of both the complainant and the foster home;
 - (d) Notify the Department of its recommendation as to revocation or continuation of the license;
 - (e) The Department will investigate complaint(s) according to established policy and procedure.
- (6) With regard to child protective services, the child placing agency shall report any suspected cases of abuse or neglect to the local Department of Social Services, as required by law.
- (7) **Amendments to a Foster Home License.** The child placing agency shall utilize the regulations established by the Department whenever there is an amendment to the foster home license.
- (8) **Recommendations to Revoke a License.** The child placing agency shall maintain on file an assessment that includes the specific regulation(s) violated and the act of violation to support their recommendation for revocation.
- (9) **Selection of Home**
 - (a) The child placing agency shall select the most appropriate home for a child consistent with the family assessment, the child's needs, and the terms of the license;
 - (b) If the child is placed, must be placed with a licensed provider;
 - (c) The child placing agency shall not place children in licensed foster homes which are in use by another agency without written permission of that agency.

B. Intake Procedures and Practices

- (1) At the time of a referral or application, the child placing agency shall assess the needs and strengths of the child and/or the adoptive family.
- (2) A comprehensive written intake study shall be completed, and this intake study shall contain sufficient information to substantiate the formation of a case plan.
- (3) The child placing agency shall provide referral assistance to persons requesting services not provided by the agency.

C. Case Plan

- (1) The child placing agency shall develop a written case plan upon completion of the intake study and prior to placement. The assessment and case plan shall be completed within sixty (60) days of placement. The plan shall include, but not be limited to, specific initial case goals for the clients, a clear designation of responsibilities for those goals, and appropriate time frames for the completion of those responsibilities and achievement of those goals.
- (2) The child placing agency shall include the parent(s), other significant persons, and the child (twelve years or older) in the development of placement and care plans. The parent(s) and child must sign the placement and case plan. The child does not have to sign if she/he is unable to do so because of physical and/or mental impairments.
- (3) The child placing agency, prior to accepting a child for placement, shall secure from the parent(s), guardian(s), or agency holding custody, written authority to place the child adoptively.
- (4) The child placing agency, prior to accepting a child for adoptive placement, shall secure from the parent(s), guardian(s), or agency holding custody, written authority to provide routine medical care and to sign educational plans.
- (5) The child placing agency shall help the parent(s) or legal guardian to understand the legal rights and obligations that they retain and those delegated to the child placing agency, and shall document this in writing.

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(6) The child placing agency shall have a signed agreement with the parent(s) or legal guardian(s) of the child in care which includes, but is not limited to, the expectations and responsibilities of the child placing agency and the parent(s) or legal guardian(s) for carrying out the steps to meet the case plan goals, in the financial arrangements for the child in care, and visitation plans.

D. Supervision and Review of the Case Plan

(1) The child placing agency shall complete a review of the case plan at least every six (6) months indicating progress toward goal achievement and changes made in the service plan.

(2) The child placing agency shall include in the review an assessment of the child in care, the progress of the growth and development of the child, the relationships between the child and caregivers, and any problems which have occurred.

(3) The parent(s) and the child shall participate in these reviews.

E. Adoptive Services

(1) The child placing agency shall provide information to prospective adoptive parent(s) about the adoption process, the agency's policies and practices, legal procedures, adoptive record content, types of children available, the fees, structure and the availability of subsidy.

(2) Adoptive Home Application

(a) The child placing agency shall provide an application form or prospective adoptive parent(s);

(b) The child placing agency in response to an application for adoption and acceptable screening interview shall conduct an adoptive study to assess the applicant(s) appropriateness to be an adoptive parent(s).

(3) Adoptive Study

(a) The child placing agency should include in any home study at least two (2) face to face interviews. These interviews may be in the form of one (1) office visit if possible and one (1) home visit or two (2) home visits. Separate face to face interviews with each member of the household must be conducted. The study process shall be a joint effort of the child placing agency and the applicant(s).

(b) The child placing agency shall also study the following areas and shall record the information in the adoptive applicant(s) record:

(1) Motivation for adoption;

(2) Strengths and weaknesses of each member of the household;

(3) The attitudes and feelings of the family, extended family, and significant others involved with the family toward accepting adoptive children, and parenting children who are not born to them;

(4) Attitudes of the applicant(s) toward the birth parent(s) and the reason(s) the child is in need of adoption;

(5) The applicant's plan for discussing adoption with the child;

(6) Record of arrests and criminal convictions and checks with the Central Registry for Child Abuse and Neglect.

(7) Adjustment of birth children, foster children or previously adopted children, including school reports, if applicable;

(8) A report of a physical examination for members of the adoptive family living in the household within six (6) months of the study which verifies that each person suffers no communicable disease, specific illness, or disabilities which would interfere with the family's ability to parent a child;

(9) Ability to provide financially for the child or children to be adopted with or without agency financial assistance through adoption subsidy;

(10) Personal and community character references;

(11) Religious orientation, if any;

(12) Location and physical environment of the home;

(13) Plan for child care if parent(s) work; and

(14) Recommendations for adoption in regard to number, age, sex, characteristics, and special needs of children best served by the family.

(4) Notification Regarding Application

(a) The child placing agency shall notify applicant(s) in writing within thirty (30) days of completion of the adoption investigation of the acceptance or denial of their application;

(b) When applicant(s) are not accepted, the child placing agency shall inform them of the reasons why the application is denied.

(5) Service to Adoptive Parent(s)

(a) The child placing agency shall prepare the adoptive family or the placement of a particular child. Preparation shall include:

(1) Information about the needs, characteristics, expectations of the child, the child's biological family and foster family, excluding identifying information on the child's biological family;

(2) Review of medical histories of the child and of the child's biological family; and

(3) Visits with the child prior to placement, where age appropriate to the child.

(b) The caseworker shall be in contact with the adoptive family at least monthly after the placement of a child prior to final decree. Information obtained from the contact shall be used in making recommendations for the finalization of the adoption.

F. Services to Families

(1) The child placing agency shall make appropriate agency services available to parent(s). When custody of the child is held by another agency, these services may only be made available upon that agency's approval.

(2) The child placing agency shall make every reasonable effort to help the parent(s) to assume or to prepare them to resume their parental roles and responsibilities.

(3) The child placing agency shall help the family gain access to the services necessary to preserve and strengthen the family and to accomplish the case plan goals. While the child is in care, the child placing agency shall assist parent(s) or legal guardian(s) with the problems and needs that led to the necessity for placement.

(4) The child placing agency shall encourage contacts between parent(s) or legal guardian(s) and children after placement, in accordance with the case plan.

(5) The child placing agency shall have a signed agreement with the parent(s) or legal guardian(s) of the child in care which includes, but is not limited to, the expectations and responsibilities of the child placing agency and the parent(s) or legal guardian(s) for carrying out the steps to meet the case plan goals, the financial arrangements for the child in care, and visitation plans.

G. Services to Unmarried Parents

(1) Upon request, the child placing agency shall make counseling services available to unmarried parents considering adoptive placement both prior to and after the birth of the child.

(2) After the birth of the child, counseling services shall continue for a reasonable period of time to assist the unmarried parent(s) to accept their decision to release the child for adoption or to keep the child.

H. Selection of Care

(1) The child placing agency shall select the most appropriate form of substitute care for the child consistent with the child's and family's needs. In choosing such care, the child placing agency shall arrange for any specialized services the child may need and shall make every placement effort to select the most appropriate setting for the child and within as close proximity to the family as possible.

(2) The child placing agency shall select substitute care that has the capacity to assist in the achievement of the steps and goals in the child's case plan.

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I. Aftercare Service

- (1) The child placing agency shall make supportive services available for children and families for at least six (6) months following an adoption or a child's return to his/her family in order to strengthen and support new or renewed family functioning.
- (2) The child placing agency shall offer referral services to parent(s) who decide not to place their child.