

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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Volume 27 Issue No.3

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.

2003 PUBLICATION SCHEDULE

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

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

| | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. |
|---------------------|------|------|------|------|------|------|------|------|-------|-------|-------|-------|
| Submission Deadline | 1/10 | 2/14 | 3/14 | 4/11 | 5/9 | 6/13 | 7/11 | 8/8 | 9/12 | 10/10 | 11/14 | 12/12 |
| Publishing Date | 1/24 | 2/28 | 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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PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 734-2145.

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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Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.net via an access code, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for **either** format is \$95.00. Payment must be made by check payable to the Legislative Council. To subscribe complete the form below and mail with payment. Access codes for electronic subscriptions will be e-mailed to the address submitted on this form.

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| 2739 | | Professional Practices | 5-13-03 | LLR: Board of Chiropractic Examiners |
| 2718 | | Certification of Need for Health Facilities and Services | 5-13-03 | Department of Health and Envir Control |
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| 2752 | | South Carolina HOPE Scholarship | 5-13-03 | Commission on Higher Education |
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| DOC | DATE | SUBJECT | AGENCY |
|------|---------|---------|--------------------------------|
| No. | | | |
| 2729 | 2-04-03 | Fees | 4-02-03 LLR: Board of Pharmacy |

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| DOC | DATE | SUBJECT | AGENCY |
|------|---------|--|--|
| No. | | | |
| 2629 | 1-29-03 | Specific Project Stds for Tidelands & Coastal Waters | 1-31-03 Department of Health and Envir Control |
| 2801 | 2-19-03 | Individual Sewage Treatment and Disposal Systems | 5-29-03 Dept of Health and Envir Control |

WITHDRAWN:

| DOC | DATE | SUBJECT | AGENCY |
|------|---------|---|--|
| NO. | | | |
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2003-10

WHEREAS, South Carolina's military installations and facilities are essential to the national defense, the safety and security of our citizens; and

WHEREAS, military installations and facilities, personnel and their families, and retirees located in South Carolina are integral components of the State's economy; and

WHEREAS, the presence of these military installations and personnel positively impacts the State's economy; and

WHEREAS, facilitating the interaction between government and private sector leadership is crucial in order to maintain a vital United States Department of Defense presence in South Carolina; and

WHEREAS, a coordinated effort is fundamental to the strategic planning of the communities associated with this State's military installations.

NOW, THEREFORE, I do hereby establish the South Carolina Military Base Task Force ("Task Force") and the Governor's Military Base Advisory Committee ("Advisory Committee"). The Task Force shall coordinate efforts among the public and the private sectors to maintain the significant United States Department of Defense presence in South Carolina. The Advisory Committee shall advise the Governor on any issues and strategies related to military base closures.

1. The Task Force shall be co-chaired by the South Carolina Comptroller General and a retired General or retired Flag Officer who shall be appointed by the Governor. The Task Force shall be comprised of the following individuals or their designees:

South Carolina Adjutant General
 Secretary of the South Carolina Department of Commerce
 Director of the Governor's Office of Veterans Affairs
 Executive Director of South Carolina Chamber of Commerce
 Chief Executive Officer of Beaufort Chamber of Commerce
 Chief Executive Officer of Charleston Chamber of Commerce
 Chief Executive Officer of Columbia Chamber of Commerce
 Chief Executive Officer of Sumter Chamber of Commerce
 Chairperson of Beaufort County Council
 Chairperson of Berkeley County Council
 Chairperson of Charleston County Council
 Chairperson of Richland County Council
 Chairperson of Sumter County Council
 Mayor of Beaufort
 Mayor of Charleston
 Mayor of Columbia
 Mayor of North Charleston
 Mayor of Sumter

- (a) The Governor shall also appoint one member of the House of Representatives and one member of the Senate to the Task Force.
- (b) The co-chairmen may include other individuals or their designees from the affected communities.
- (c) The South Carolina Military Assistance Council shall serve as a resource to the Task Force.

4 EXECUTIVE ORDERS

(d) The Budget and Control Board shall provide staff support through the Office of the Executive Director as necessary to assist the Task Force in carrying out the directives of the Executive Order.

2. The Advisory Committee shall be comprised of individuals who have had experience as senior military officers in one of the military services, all of whom shall be appointed by the Governor. One of the members shall be the co-chairman of the Task Force and shall also serve as the chairman of the Advisory Committee.

I hereby rescind Executive Order 2001-31. This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 10th DAY OF MARCH, 2003**

**MARK SANFORD
Governor**

2003-11

WHEREAS, by Executive Order 2003-03, State offices were closed in whole or in part in most counties in South Carolina due to a severe winter storm that occurred on January 23, 2003; and

WHEREAS, it became necessary for many banks and savings and loan institutions to close as a result of the hazardous weather that occurred on January 23, 2003.

NOW THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina, and specifically section 53-5-55 of the South Carolina Code of Laws, I hereby declare January 23, 2003, a legal holiday for banks and savings and loan institutions in the State of South Carolina.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 10th DAY OF MARCH 2003.**

**MARK SANFORD
Governor**

2003-12

WHEREAS, the State of South Carolina is vulnerable to a wide range of emergencies, including natural and technological disasters and disasters caused by weapons of mass destruction, all of which threaten the life, health, and safety of its people; damage and destroy property; disrupt services and everyday business and recreational activities; and impede economic growth and development; and

WHEREAS, this vulnerability is exacerbated by the state's growing population, especially the growth in the number of persons residing in coastal areas, in the elderly population, in the number of seasonal vacationers, and the number of persons with special needs; and

WHEREAS, the state must take all prudent action to reduce the vulnerability of the people and property of this state; to prepare for the efficient evacuation and shelter of threatened or affected persons; to provide for the rapid and orderly provision of relief to persons and for the restoration of services and property; and to provide for

the coordination of activities relating to emergency preparedness, response, recovery, and mitigation among and between agencies and officials of this state, with similar agencies and officials of other states, with local and federal governments, with interstate organizations, and with the private sector; and

WHEREAS, the Governor is responsible for the development and coordination of a system of Comprehensive Emergency Management pursuant to the South Carolina Code of Laws, Section 25-1-440 (b) and the South Carolina Emergency Management Division, Office of the Adjutant General, as established by Section 25-1-420, is responsible for coordinating the efforts of all state, county and municipal agencies and departments in developing a State Emergency Plan and maintaining a State Emergency Operations Center; and

WHEREAS, the South Carolina Emergency Operations Plan, dated January 31, 2003, developed pursuant to the requirement of Section 25-1-420 (a), has been reviewed and approved in accordance with the South Carolina Code of Regulations, 58-101.B., as establishing the policies and procedures to be followed by South Carolina Government in executing all emergency or disaster operations.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and laws of the State of South Carolina, I do hereby order:

Section 1. That each department or agency of the State shall be responsible for emergency services as assigned in the South Carolina Emergency Operations Plan.

Section 2. That each department or agency assigned a primary responsibility in the Plan shall maintain, as directed by the Emergency Management Division, comprehensive standard operating procedures for executing its assigned emergency services. Each department or agency assigned a support responsibility shall assist the primary department or agency in maintenance of these procedures.

Section 3. That each department or agency assigned a primary or support responsibility in the Plan shall participate in scheduled exercises of the South Carolina Emergency Management Division and shall conduct training of personnel essential to the implementation of all assigned emergency functions.

Section 4. That all departments or agencies shall execute, without delay, the emergency functions so designated in the Plan or further ordered by me during any emergency or disaster through the initial use of existing agency appropriations and all necessary agency personnel, regardless of normal duty assignment.

Executive Order 99-11 is hereby rescinded.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 10th DAY OF MARCH, 2003.**

**MARK SANFORD
Governor**

6 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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 March 28, 2003, 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 Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Aiken County

Construction for the expansion of the emergency department and critical care area and the addition of 5 acute care beds for a total of 183 acute care, 29 psychiatric, and 18 substance abuse beds.

Aiken Regional Medical Centers

Aiken, South Carolina

Project Cost: \$15,000,000

Affecting Charleston County

Expansion and renovation of the emergency department.

Bon Secours-St. Francis Hospital

Charleston, South Carolina

Project Cost: \$6,000,000

Affecting Chester County

Establishment of a mobile Magnetic Resonance Imaging (MRI) service one (1) day per week.

Chester County Hospital and Nursing Center, Inc.

Chester, South Carolina

Project Cost: \$93,121

Affecting Dorchester County

Establishment of an ambulatory center with three (3) operating rooms.

Summerville Surgery Center

Summerville, South Carolina

Project Cost: \$5,638,050

Affecting Florence County

Construction of a seven floor addition to the existing Women's pavilion to house 140 general acute care beds (105 additional beds and 35 replacement beds) and 16 operating rooms (12 replacement OR's and 4 additional OR's) resulting in a total licensed bed capacity of 441 general acute care beds and 35 psychiatric beds.

McLeod Regional Medical Center

Florence, South Carolina

Project Cost: \$82,443,046

Affecting Richland County

Replace two fixed Magnetic Resonance Imaging (MRI) Systems with a new GE 1.5 Tesla Short-bore MRI System.

Palmetto Imaging, Inc.

Columbia, South Carolina

Project Cost: \$1,734,401

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 March 28, 2003. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Anderson County

Construction of a freestanding outpatient cardiac center on the AnMed Health Campus to include the Lifechoice cardiac rehabilitation program and a medical office building (MOB).

AnMed Cardiac Center (Anderson Area Medical Center)

Anderson, South Carolina

Project cost: \$9,467,578

Affecting Charleston County

Renovation of the Pediatric Emergency Department

Medical University of South Carolina Medical Center

Charleston, South Carolina

Project Cost: \$1,289,158

Establishment of a 132 bed nursing home, which will not participate in the Medicaid (Title XIX) Program, to be leased to Trinity Mission of Charleston, LLC.

Trinity Mission of Charleston, LLC

Charleston, South Carolina

Project Cost: \$3,218,339

Affecting Cherokee County

Replacement of a mobile Magnetic Resonance Imaging (MRI) service with a fixed MRI and the upfit of the area housing the unit.

Upstate Carolina Medical Center

Gaffney, South Carolina

Project Cost: \$2,601,368

Affecting Chester County

Establishment of a mobile Magnetic Resonance Imaging (MRI) service one (1) day per week.

Chester County Hospital and Nursing Center, Inc.

Chester, South Carolina

Project Cost: \$96,871

Affecting Dorchester County

Construction/renovation to expand the emergency department for the addition of a second Computed Tomography (CT) Scanner, and the expansion of the powerhouse to accommodate the addition.

Summerville Medical Center

Summerville, S. C.

Project Cost: \$11,800,000

8 NOTICES

Affecting Greenville County

Addition of two (2) outpatient surgical operating rooms in the Eastside Ambulatory Care Center on the Patewood Medical Campus.

Eastside Ambulatory Care Center

Greenville, South Carolina

Project Cost: \$2,190,000

Affecting Richland County

Conversion of 44 existing Community Residential Care beds to 39 nursing home beds which do not participate in the Medicaid (Title XIX) Program, resulting in a total of 179 nursing home beds at the facility.

Life Care Center of Columbia

Columbia, South Carolina

Project Cost: \$139,475

Affecting Spartanburg County

Renovation and replacement of a 0.2T open Magnetic Resonance Imaging (MRI) system with a 1.5T MRI.

Spartanburg Regional Medical Center

Spartanburg, South Carolina

Project Cost: \$1,867,040

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

South Carolina Department of Health and Environmental Control vs. Western Atlas, Inc. (f/k/a Litton Industrial Automation Systems, Inc., and successor-in-interest to Litton Business Systems, Inc), Safety-Kleen (TG), Inc., Safety-Kleen Systems, Inc., and Hoover Building Systems, Inc., Civil Action No. 3:00-1760-10BC.

SCDHEC, Bureau of Land and Waste Management, File #56207
Hollis Road Site

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("SCDHEC") has entered into a Consent Decree with the following parties: Safety-Kleen (TG), Inc., Safety-Kleen Systems, Inc., and Clean Harbors, Inc. ("Settling Defendants"). The Consent Decree provides that upon approval by the Court, it shall be entered as a final judgment against the Settling Defendants. The Consent Decree is subject to a thirty-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("SCHWMA") S.C. Code Ann. § 44-56-200 (2002).

The Consent Decree relates to the alleged release, and threatened release, of hazardous substances, pollutants, or contaminants at an area located in Lexington County, near the Town of Lexington, along a portion of Interstate 20, east of the Highway 6 interchange, extending north to Cedarcrest Mobile Home Park on Railroad Avenue, south to the end of Hollis Road, and north-northeast to Freedom Drive, Walter Hutto Court, Isobel Court, Sunshine Road, Cedarcrest Road, and Dustin Court, and surrounding areas impacted by the migration of

hazardous substances, pollutants, or contaminants (collectively referred to as the "Site"). The Consent Decree provides for recovery of response costs from potentially responsible parties; specifically, past response and remedial costs, future response and remedial costs, and, for assessing damages to and restoration of the nature resources at the Site. In consideration of the foregoing, the Consent Decree provides for a release of the Settling Defendants from further liability related to the matters covered by the Consent Decree and confers contribution protection upon Settling Defendants pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

The Consent Decree has been filed with the Court for approval. Notice of Settlement has been provided to all identified potentially responsible parties, and shall be published in the State Register.

Copies of the Consent Decree may be viewed at the Information Repository located at Lexington County Library, 5440 Augusta Road, Lexington, SC, and/or obtained by providing a written Freedom of Information request to the South Carolina Department of Health and Environmental Control at:

Freedom of Information Office
 South Carolina Department of Health and Environmental Control
 2600 Bull Street
 Columbia, SC 29201-1708

Any comments must be submitted in writing, postmarked no later than April 28, 2003, and addressed to:

Jessica J.O. King, Esquire
 Office of General Counsel
 South Carolina Department of Health and Environmental Control
 2600 Bull Street
 Columbia, SC 29201

UPON APPROVAL AND ENTRY OF THE CONSENT DECREE BY THE COURT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST THE SETTLING DEFENDANTS SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE CONSENT DECREE SHALL BE FORECLOSED.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF SOUTH CAROLINA
 COLUMBIA DIVISION

South Carolina Department of Health and Environmental Control vs. Carolina Steel & Wire Corporation, Western Atlas (f/k/a Litton Industrial Automation Systems, Inc., and successor-in-interest to Litton Business Systems, Inc.), Monroe Systems for Business, Inc., and Acme-Wiley, Inc. (n/k/a Icon Identity Solutions), Civil Action No. 3:00-1759-25.

SCDHEC, Bureau of Land and Waste Management, File #56304
 South Lake Drive/Old Orangeburg Road Groundwater Contamination Site

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("SCDHEC") has entered into a Consent Decree with the following parties: Western Atlas (f/k/a Litton Industrial Automation Systems, Inc., and successor-in-interest to Litton Business Systems, Inc.), Monroe Systems for Business, Inc., and Acme-Wiley, Inc. ("Settling Defendants"). The Consent Decree provides that upon approval

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by the Court, it shall be entered as a final judgment against the Settling Defendants. The Consent Decree is subject to a thirty-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("SCHWMA") S.C. Code Ann. § 44-56-200 (2002).

The Consent Decree relates to the alleged release, and threatened release, of hazardous substances, pollutants, or contaminants at an area located in Lexington County, near the Town of Lexington, south of Interstate 20, east and west of the Highway 6 interchange, extending south to Crystal Lake, east to YMCA Road, and west to Red Ribbie Road, and surrounding areas impacted by the migration of hazardous substances, pollutants, or contaminants (collectively referred to as the "Site"). The Consent Decree provides for the recovery of response costs from potentially responsible parties; specifically, past response and remedial costs, future response and remedial costs, and, for assessing damages to and restoration of the nature resources at the Site. In consideration of the foregoing, the Consent Decree provides for a release of the Settling Defendants from further liability related to the matters covered by the Consent Decree and confers contribution protection upon Settling Defendants pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

The Consent Decree has been filed with the Court for approval. Notice of Settlement has been provided to all identified potentially responsible parties and shall be published in the State Register.

Copies of the Consent Decree may be viewed at the Information Repository located at Lexington County Public Library, 5440 Augusta Road, Lexington, SC and/or obtained by providing a written Freedom of Information request to the South Carolina Department of Health and Environmental Control at:

Freedom of Information Office
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201-1708

Any comments must be submitted in writing, postmarked no later than April 28, 2003, and addressed to:

Jessica J.O. King, Esquire
Office of General Counsel
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

UPON APPROVAL AND ENTRY OF THE CONSENT DECREE BY THE COURT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST THE SETTLING DEFENDANTS SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE CONSENT DECREE SHALL BE FORECLOSED.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than April 25, 2003 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Underground Storage Tank Management
Attn: Barbara Boyd
2600 Bull Street
Columbia, SC 29201

The following companies and individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

Handex of Georgia
HRP Associates
Schnabel Engineering South, LLC
Structures Group, Inc.

Class II

Atlantic Environmental Services, Inc.

12 DRAFTING

DEPARTMENT OF LABOR, LICENSING, AND REGULATION SOUTH CAROLINA BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Section 40-13-60

Notice of Drafting:

The Department of Labor, Licensing, and Regulation, South Carolina Board of Cosmetology proposes to amend the following: Regulations 35-1 through 35-4 regarding application for approval to operate schools of Cosmetology, Manicure, or Esthetics, minimum equipment and supplies and space for a school, minimum curriculum for a school, and instructor qualifications; Regulations 35-8 through 35-10 regarding instructor reciprocity, renewal of license, and general rules for the operation of cosmetology school. Regulations 35-13 through 35-20 regarding out of state applicants, licensure of salons, salon equipment requirements, and sanitary and safety rules; Regulations 35-23 through 35-26 regarding continuing education requirements, programs, fees and minimum requirements for crossover between licensed cosmetologists and master hair care specialists. The Regulations must be changed to conform to the current Board of Cosmetology Practice Act. Interested persons may submit comments to Randy Bryant, Assistant Deputy Director, South Carolina Department of Labor, Licensing, and Regulation, Office of Business and Related Services, South Carolina Board of Cosmetology 110 Centerview Drive, Columbia, South Carolina 29210.

Synopsis:

The South Carolina Board of Cosmetology proposes to develop and amend current regulation to conform to the practice act and to update the existing regulation. The regulation must define limitations and requirements for licensees and permittees. The proposed changes include, but are not limited to, requirements for board notification of school closings and transfer of student records, increase of hours in the Nail Technician and Esthetics curriculums, increase of bond fee, requirements for issuance of a cosmetology teachers' license for all locations, for approval of persons with specialized training/education to teach cosmetology and changes to the fee schedule.

Document No. 2832
COMMISSION FOR THE BLIND
 CHAPTER 18

Statutory Authority:
 South Carolina Code Section 43-26-10 et seq.
 20 USC Section 107 et seq.

Business Enterprise Program Rules and Regulation

Preamble: The South Carolina Commission for the Blind proposes to amend and replace in its entirety, Chapter 18, Business Enterprise Program Rules and Regulations. The proposed amendments will update blind licensed vendor training requirements, change the composition of the selection committee and require orientation for selection committee members, include a work hour policy for all vending locations, create a short and long term illness provision for blind licensed vendors, require all blind licensed vendors to attend annual meetings, change the weighted percentage of the criteria for selecting blind licensed vendors, require blind licensed vendors to participate in the Setoff Debt Collection Program, set a term limit for the Blind Vendors Committee Chairman and change terminology and grammar throughout the entire chapter.

The Notice of Drafting for the proposed amendment was published in the *State Register* on February 28, 2003.

Section-by-Section Discussion

| <u>SECTION</u> | <u>EXPLANATION OF CHANGES</u> |
|--------------------|--|
| 18-1,18-2, 18-3 | Terminology changes throughout. Definitions added and renumbered. |
| 18-4 | Terminology changes throughout. Changes length and content of classroom and on the job training. Requires blind licensed vendors to attend annual meetings. |
| 18-5 | Terminology and grammatical changes throughout. Changes the composition of the Selection Committee and the percentage of weight placed on each criterion for selection of blind licensed vendors. |
| 18-5(D) | Requires orientation for Selection Committee members. |
| 18-5(E) | Requires letters of recommendation on behalf of blind licensed vendors to address the five criteria for selection. |
| 18-5(K) | Entitles a blind licensed vendor priority for the next available vending facility if the blind licensed vendor was displaced for reasons beyond the vendor's control. |
| 18-6 | Deleted |
| 18-7 | Terminology and grammatical changes throughout. Awards a blind licensed vendor additional selection points for hiring a blind assistant. Requires the blind licensed vendor to submit additional documents monthly. |
| 18-8(A)-(B) | Terminology changes throughout. Makes the agency responsible for inventory codes. Requires blind licensed vendors to participate in the Setoff Debt Collection program. Requires blind licensed vendors to submit a list of suppliers and prices to the agency. Requires blind licensed vendors to maintain specific inventory levels and to perform annual merchandise inventory. |

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- 18-8(C)-(D) Creates a work hour policy for vending facilities and establishes penalties for violations.
- 18-9 Terminology and grammatical changes throughout. Requires blind licensed vendors to submit monthly sales tax forms and payments to the Department of Revenue.
- 18-10 Terminology changes throughout. Creates short and long term illness policies.
- 18-11 Terminology changes throughout. Requires annual performance reviews for blind licensed vendors.
- 18-12, 18-13 Terminology changes throughout.
- 18-14 Requires the agency to provide sufficient inventory if a blind licensed vendor is transferred or promoted into a location with insufficient merchandise.
- 18-15 Establishes a time limit for completion of equipment repairs.
- 18-16 Terminology changes throughout
- 18-17 Requires Business Enterprise Vendors Committee members to work in the district they represent and requires Vendors Committee Representative to reside within a fifty-mile radius of the district in which he or she works.
- 18-18 Terminology and grammatical changes throughout.

Notice of Public Hearing and Opportunity for Public Comment: Interested members of the public are invited to make written or oral comments at a public hearing at 10:00 o'clock a.m. on May 1, 2003 in the boardroom of the Commission for the Blind, 1430 Confederate Avenue Columbia, South Carolina.

Preliminary Fiscal Impact Statement: There will be no increased cost to the State or its political subdivisions in implementing these regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Chapter 18, Business Enterprise Program Rules and Regulations

Purpose: Chapter 18, Business Enterprise Program Rules and Regulations, is being amended and replaced in its entirety. The proposed regulations will establish new policies and modify existing policies for blind licensed vendors. See Preamble above.

Legal Authority: S.C. Code of Laws Section 43-26-10 et seq.; 20 U.S.C. Section 107 et seq.

Plan for implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed amendments will be implemented upon providing copies of the regulations to all blind licensed vendors in the Business Enterprise Program.

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

The proposed regulation will establish and strengthen the policies that apply to all blind licensed vendors. The proposed regulation will also allow consistency in enforcement of the policies by the Business Enterprise Program staff.

DETERMINATION OF COSTS AND BENEFITS: There will be a benefit to all blind licensed vendors and Business Enterprise Program staff. The amendments will give blind licensed vendors notice of program expectations. The regulations will give the Business Enterprise Program Staff a mode of consistent enforcement of program guidelines.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: There will be no effect on the environment and public health in implementing the amendments.

DETRIMENTAL EFFECTS OF THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: There will be no detrimental effect on the environment and public health if these amendments are not implemented.

Statement of Rationale: These amendments were adopted at the recommendation of the South Carolina Audit Council. For additional information contact Dr. Nell Carney, Commissioner, South Carolina Commission for the Blind, P. O. Box 79, Columbia, South Carolina 29202

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. 2831

STATE BOARD OF EDUCATION

Chapter 43

No Child Left Behind Act of 2001, 20 USC 7912

R 43-307. Alignment of Assessment and Accountability with the No Child Left Behind Act

Preamble:

The Elementary and Secondary Education Act of 2001, Public Law 107-110, also known as No Child Left Behind Act, requires each state, in order to be eligible to receive federal funds, to prepare and submit an approved plan for assessment and accountability to the United States Secretary of Education by May 1, 2003. A peer review team from the United States Department of Education (USDE) will examine the plan and may require changes to it.

The Consolidated State Application Accountability Workbook establishes the state plan for compliance with the requirements of the No Child Left Behind Act that include adequate yearly progress (AYP), and the alignment of South Carolina's assessment, state and district report cards, and accountability with the federal law.

This plan must be approved by the USDE for South Carolina to receive federal Title I funds. The State Board of Education authorizes the South Carolina Department of Education to negotiate and finalize the plan as required by the USDE for plan approval.

Section-by-Section Discussion

1. Section I. outlines the steps taken to align the elements of the Education Accountability Act of 1998 with those of the No Child Left Behind Act (EAA).

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2. Section I., Subsection A (1) requires that the assessment system apply to all public schools and districts.
3. Section I., Subsection A (2) requires that the state report cards include all the data required by the No Child Left Behind Act.
4. Section I., Subsection B (1) provides that the Adequate Yearly Progress measure be calculated as specified in the Accountability Workbook and that it be reported on the EAA mandated report cards.
5. Section I., Subsection B (2) identifies the subgroups identified for measuring the progress on adequate yearly progress.
6. Section I., Subsection B (3) outlines the other indicators of performance.
7. Section II. outlines the criteria for schools to move into needs improvement status and for Title I schools to progress through the Title I mandated consequences.
8. Section III. authorizes the Department of Education to amend the plan as necessary to meet USDE approval.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on May 13, 2003, at 10:00 A.M., at the Rutledge Building, State Department of Education, Columbia, South Carolina. 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.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by submitting comments to Ellen Still, Special Assistant to Superintendent, 1429 Senate Street, Columbia, South Carolina 29201, or by email to estill@sde.state.sc.us. Comments must be received no later than 5:00 P.M. on April 28, 2003. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: Costs cannot be determined at this time.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-307, Alignment of Assessment and Accountability with the No Child Left Behind Act

Purpose: The reauthorization of the Elementary and Secondary Education Act of 2001, Public Law 107-110, also known as No Child Left Behind Act, requires each state, in order to be eligible to receive federal funds, to prepare and submit an approved plan for assessment and accountability to the United States Secretary of Education by May 1, 2003.

Legal Authority: No Child Left Behind Act of 2001, 20 USC 7912

Plan for Implementation: The new regulation will be posted on the State Department of Education's Web site for review and comments. The regulation will take effect upon approval by the State Board of Education and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Required by the reauthorization of the Elementary and Secondary Education Act of 2001, Public Law 107-110, also known as the No Child Left Behind Act.

DETERMINATION OF COSTS AND BENEFITS: Cost cannot be determined at this time.

UNCERTAINTIES OF ESTIMATES: Cost cannot be determined at this time.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: None

STATEMENT OF RATIONALE: N/A

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. 2834
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Ann. Section 44-56-30

R. 61-79. Hazardous Waste Management Regulations

Preamble:

The Department proposes to amend Regulation 61-79 to adopt federal amendments through June 30, 2002. Adoption of federal amendments will ensure federal compliance.

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 amendments include: a clarifying revision to the Mixture and Derived-From Rules; new listings for three inorganic chemical manufacturing wastes including additional toxic constituents and treatment standards for the wastes; amendments to the Corrective Action Management Unit rule to facilitate cleanup; and deletion of regulatory language vacated by two federal court actions for some mineral processing secondary materials and the application of the Toxicity Characteristic Leaching Procedure to manufactured gas plant wastes.

In addition, the Bureau will make amendments to the Hazardous Air Pollutant Standards for Combustors. In September 2000 the Bureau began the adoption process for the Hazardous Air Pollutant Standards for Combustors promulgated by EPA. However, a federal appeals court struck down the EPA standards on July 24, 2001. At the September 13, 2001 Board meeting, staff recommended that those portions of the proposed federal compliance standards regarding combustion not be adopted. The Board concurred. On February 13, 2002, EPA developed interim standards and will develop final standards by June 14, 2005. The Bureau proposes to adopt the interim standards and those portions of the combustor standards that have not been vacated. Minor errors will be corrected to achieve conformity with federal regulations. These rules and other amendments have been published in the Federal Register between September 30, 1999, and June 30, 2002.

These amendments appeared at: 64 FR 52828, September 30, 1999; 64 FR 63209, November 19, 1999; 65 FR 42292, July 10, 2000; 66 FR 24270, May 14, 2001; 66 FR 35087, July 3, 2001; 66 FR 50332, October 3, 2001; 66 FR 58258, November 20, 2001; 67 FR 2962, January 22, 2002; 67 FR 6792, February 13, 2002; 67 FR 6968, February 14, 2002; 67 FR 11251, March 13, 2002; and 67 FR 17119, April 9, 2002.

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A Notice of Drafting for the proposed amendments was published in the State Register on October 25, 2002, and no comments were received. Neither a preliminary assessment report, a fiscal impact statement, nor legislative review of this amendment is required.

Discussion of Proposed Revisions:

| SECTION | CHANGE (all for federal compliance) |
|-------------------------------------|--|
| 260.10 | Remove two "CAMU" and amend "Remediation waste" definitions |
| 261.2(c)(3) | Amend paragraph to delete repetitive phrase |
| 261.3(c)(2)(i) | Remove irrelevant language; add reclamation option |
| 261.3(g)(4) | Add new paragraph regarding mixture |
| 261.4(a)(17), (i)-(vi) | Amend Exclusions to Solid Wastes |
| 261.4(a)(17)(iv)(B) | Amend regarding eligible spent materials |
| 261.4(a)(17)(v) | Edit and amend to cover reporting in land-based units |
| 261.4(a)(17)(vi) | Amend cross reference, amend regarding eligible spent materials |
| 261.4(b)(15)(i)&(v) | Amend to accommodate additional K listings |
| 261.6(a)(3) | Re-number (iii) to (vi), (vi) to (iii); and (v) to (iv); delete previous (vi) |
| 261.24(a) | Amend to exclude manufactured gas plant waste |
| 261.32/Table | Under Inorganic Chemicals, add in alphanumeric order: K176-K178 |
| 261 Appendix VII | Add in alphanumeric order: K176-K178 |
| 264.340(b) | Amend citations in (1); add new (4) |
| 264.340(c) | Add (1) & (2) under (c) |
| 264.550(a)&(b) | Retitle and renumber Subpart S; add new (a) and (b). |
| 264.551 | Retitle and renumber .552 as .551; amend (a) & (e) |
| 264.552(a)-(k) | Insert new section on CAMUs |
| 264.554(a)(1) | Insert (1) after current (a); add and reserve (2) |
| 264.555(a)-(g) | Add new provision for Disposal of CAMU-eligible wastes in permitted landfills |
| 265.340(a), (b)(1), (2) & (3), (c) | Edit (a), add new (b) about MACT standards; reletter old (b) to (c) and edit |
| 265.353-365.369 | Add and reserve |
| 266.100(b) | Add new (b); reletter previous (b) and (c) as new (c) and (d); amend new (d)(1) with new citation and reference to (h) |
| 266.100(c)(1) | Edit(c)(1) |
| 266.100(d)(1); | Amend new (d)(1) to accommodate lead recovery facilities; |
| 266.100(d)(2)(i)&(ii) | Edit cross references |
| 266.100(d)(3); (3)(i) and (3)(i)(D) | Edit; amend cross references |
| 266.100(e)-(h) | Relletter previous (d)-(f) as new (e)-(g); add new (h) |
| 266.101(c) | Amend to accommodate treatment facilities |
| 266.112(b)(1) | Add sentence at end of paragraph on analyses for polychlorinated wastes |
| 266.112(b)(2)(i) | Edit to accommodate methods; add treatment standards at end of (i); add Note. |
| 266 Appendix VIII | Amend title; add two polychlorinated waste streams. Add footnote 1. |
| 268.36 | Add new prohibition, including (a) through (c) |
| 268.40/table | Add K176 through K178 in alphanumeric order |
| 270.19 | Amend intro with new cross reference; add new (e) |
| 270.22(a) | Amend (a) with additional language; introductory paragraph |

| | |
|-------------------|---|
| 270.42(b)(1) | prior to (a) and (1) and (2) following (a) are retained Amend cross references |
| 270.42(g)(1)(ii) | Amend regarding permit modification due date |
| 270.42(j)(1) | Amend effective date |
| 270.42 Appendix I | Add new A(8) |
| 270.62 | Add new introductory paragraph on incinerator permits; retain (a)&(b) |
| 270.66 intro | Add new introductory paragraph on BIF permits; retain (a)&(b), etc. |
| 270.235(a)-(b) | Add new Subpart I integration with MACT standards |

Notice of Staff Informational Forum:

A staff informational forum will be conducted on Wednesday May 28, 2003 at 9:30 a.m. in room 1710 at the Stern Building at 8901 Farrow Road; and a public hearing before the Board will be scheduled for June 12, 2003. The purpose of the forum is to receive comments from interested persons on the proposed amendment of R. 61-79. Written comments may be submitted to John Litton, Director of the Division of Waste Management, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by noon May 28th. Comments received shall be considered by staff in formulating the submission to the Board of Health and Environmental Control for a public hearing scheduled for June 12, 2003. Relevant technical comments will be summarized by staff for the Board's consideration at the public hearing noticed below. The amendments will be added to R. 61-79 after Board approval and upon publication in the State Register.

Information or copies of the proposed text for public notice and comment may be obtained at <http://www.lpittr.state.sc.us/register.htm> or by calling Suzanne Rhodes at (803) 896-4174.

Notice of Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Ann. Sections 1-23-110 and 1-23-111:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendments at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on June 12, 2003. The Hearing will be held in the Board Room of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control (DHEC) at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m., at which time the Board will consider items in the order presented on its agenda. The agenda is published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Written comments to be considered at the public hearing may be submitted to John Litton, Director of the Division of Waste Management, 2600 Bull Street, Columbia SC, 29201. To be considered, comments must be received by noon, May 28, 2003. Comments received will be considered by staff in formulating the submission to the Board of Health and Environmental Control on June 13, 2003. Relevant technical comments will be summarized for the Board's consideration.

Information or copies of the amended regulations to be considered at the Board hearing may be obtained at <http://www.lpittr.state.sc.us/register.htm> or by calling Suzanne Rhodes at (803) 896-4174.

Statement of Need And Reasonableness

This Statement of Need and Reasonableness complies with S. C. Code Ann. Section 1-23-115(C)(1)-(3) and (9)-(11).

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DESCRIPTION OF REGULATION: Proposed amendment of R. 61-79 Hazardous Waste Management Regulations:

Purpose: The purpose of this amendment is to meet compliance requirements of the United States Environmental Protection Agency (EPA), which promulgates amendments to 40 CFR 124, 260 through 266, 268, 270, and 273 throughout each calendar year by publication in the Federal Register.

Recent amendments include: a clarifying revision to the Mixture and Derived-From Rules; new listings for three inorganic chemical manufacturing wastes including additional toxic constituents and treatment standards for the wastes; amendments to the Corrective Action Management Unit rule to facilitate cleanup; and deletion of regulatory language vacated by two federal court actions for some mineral processing secondary materials and the application of the Toxicity Characteristic Leaching Procedure to manufactured gas plant wastes.

In addition, the Bureau will make amendments to the Hazardous Air Pollutant Standards for Combustors. In September 2000 the Bureau began the adoption process for the Hazardous Air Pollutant Standards for Combustors promulgated by EPA. However, a federal appeals court struck down the EPA standards on July 24, 2001. At the September 13, 2001 Board meeting, staff recommended that those portions of the proposed federal compliance standards regarding combustion not be adopted. The Board concurred. On February 13, 2002, EPA developed interim standards and will develop final standards by June 14, 2005. The Bureau proposes to adopt the interim standards and those portions of the combustor standards that have not been vacated. Minor errors will be corrected to achieve conformity with federal regulations. These rules and other amendments have been published in the Federal Register between September 30, 1999, and June 30, 2002.

These amendments appeared at: 64 FR 52828, September 30, 1999; 64 FR 63209, November 19, 1999; 65 FR 42292, July 10, 2000; 66 FR 24270, May 14, 2001; 66 FR 35087, July 3, 2001; 66 FR 50332, October 3, 2001; 66 FR 58258, November 20, 2001; 67 FR 2962, January 22, 2002; 67 FR 6792, February 13, 2002; 67 FR 6968, February 14, 2002; 67 FR 11251, March 13, 2002; and 67 FR 17119, April 9, 2002.

Legal Authority: S. C. Code Ann. Section 44-56-30, the Hazardous Waste Management Act, to facilitate the Resource Conservation and Recovery Act of 1976 as amended.

Plan for Implementation: Upon final approval by the Board of Health and Environmental Control and publication in the State Register as a final regulation, amended regulations will be provided to the regulated community at cost through the Department's Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Adoption of the proposed amendments and corrections to R. 61-79 will enable compliance with recent federal amendments. See Purpose above.

DETERMINATION OF COSTS AND BENEFITS: This regulatory amendment is exempt from the requirements of a Preliminary Fiscal Impact Statement or a Preliminary Assessment Report because the proposed changes are necessary to maintain compliance with federal regulations. EPA estimated costs and benefits of the various amendments are summarized below. The summaries are taken from the cited Federal Register notices. A significant regulatory action is defined as one that (5/26/98 in 63 FR 28630) "is likely to result in a rule that may: (1) have an annual effect on the economy of \$100 million or more or adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) create serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements...; or (4) raise novel legal or policy issues arising out of legal mandates..."

The MACT rules are already in force through the Bureau of Air Quality programs, the other rules have very minor impact or are required in response to vacatur. Therefore, the proposed rules have little or no economic impact on the Department or the regulated community.

UNCERTAINTIES OF ESTIMATES: No known uncertainties.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The over-all effects of these rules are expected to be beneficial to the public health and environment and also reflect federal provisions in State law.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: The State's authority to implement federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.

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 FINAL REGULATIONS

Document No. 2726
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Section 59-18-1100 (Supp. 2001)

R43-302. School Incentive Reward Program

Synopsis:

The State Board of Education proposes amending Regulation 43-302, School Incentive Reward Program. This regulation provides for a school level recognition program that is based on demonstrated student achievement. The proposed amendments to R43-302 include renaming the school recognition program, establishing the operation of the program by the State Department of Education, establishing the responsibility for the program criteria with the Division of Accountability of the Education Oversight Committee, and establishing appropriate expenditure of award funds.

Section-by-Section Discussion

43-302, Section A Establishes the Palmetto Gold and Silver Awards Program to recognize and reward schools for academic achievement. The program is to be operated by the State Department of Education with program criteria established by the Division of Accountability of the Education Oversight Committee.

43-302, Section B Provides direction as to the appropriate expenditure of funds and for an accounting of expenditures.

Instructions: Replace in its entirety, the text of 24 S.C. Code Ann. Regs. 43-302 (1982), School Incentive Reward Program, which is located under Chapter 43, Article 22, Educational Agency Relations, with the text shown below. The Table of Contents under Article 22, Educational Agency Relations, should also be amended from "School Incentive Reward Program" to read "Palmetto Gold and Silver Awards Program."

Text:

43-302. Palmetto Gold and Silver Awards Program.

A. Program Implementation

The Palmetto Gold and Silver Awards Program is established to recognize and reward schools for academic achievement. Awards will be established for schools attaining high levels of absolute performance and for schools attaining high rates of improvement. The program shall be operated by the State Department of Education in accordance with program criteria established by the Division of Accountability of the Education Oversight Committee.

B. Expenditure of Award Funds

Award funds are to be used to improve and/or maintain exceptional student academic performance according to the school's renewal plan. Funds may be utilized for professional development support.

Allowable costs include equipment, materials and supplies, contractual services, substitutes, and travel. Specific guidelines for the expenditure of award funds will be provided to each school receiving an award. An expenditure report specifying the manner in which those monies were expended must be submitted to the Department of Education at the conclusion of the grant period.

Fiscal Impact Statement:

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

Resubmitted May 7, 2002

Document No. 2709
COMMISSION ON HIGHER EDUCATION
 CHAPTER 62

Statutory Authority: 1976 Code Sections 59-58-10 through 59-58-140

- 62-6. Licensing Criteria.
- 62-8. Financial Resources.
- 62-11. Program and Instructor Requirements for Associate Degree Programs.
- 62-12. Program and Instructor Requirements for Baccalaureate Degree Programs.
- 62-13. Program and Instructor Requirements for Graduate Programs.
- 62-16. Catalog/Bulletin/Brochure Requirements.
- 62-23. Fees.

Synopsis:

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| 62-6.A. | Require that institutions provide documentation of need; Require that out-of-state institutions be accredited. |
| 62-6.B. | Require full-time faculty in each major, curricular area or concentration; Define full-time faculty; Require that faculty be proficient in oral and written communication in language in which courses are taught; Prescribe record-keeping on faculty; Encourage selection of faculty from broad representation of institutions. |
| 62-6.D. | Prescribe record-keeping on credit for prior education; Prescribe conditions for transfer and awarding credit for experiential learning; Specify 25% residency requirement; Require advanced coursework in inverted, two-plus-two and similar programs; Limit to approximately one-half of a bachelor's program transfer from two-year institution; Require that out-of-state institutions allow transfer credit from branch sites to principal location. |
| 62-6.E. | Specify course syllabi content. |
| 62-6.J. | Specify credentials for site directors; Specify credentials for chief academic officers; Require periodic evaluation of administrators. |
| 62-6.N. | Specify that admission requirements be consistent with purposes of institution; Require official high school transcripts or GED scores for admission into degree programs. |
| 62-6.2. | Require process to review and evaluate curriculum; Require evaluation of program and course effectiveness, student learning, retention, graduation rates, student, graduate, faculty, and employer satisfaction and require use of results to improve quality of instruction. |
| 62-11.A | Require one calendar week per semester credit hour awarded. |
| 62-11.G. | Require that faculty who teach general education or transfer courses have 18 graduate hours in discipline and hold master's degree or hold master's degree with major in discipline. |
| 62-11.H. | Prescribe that faculty who teach occupational or technical courses usually have a bachelor's degree. |

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| 62-11.I. | Amends language pertaining to credentials from accredited institutions; does not change requirement. |
| 62-12.A. | Require one calendar week per semester credit hour awarded. |
| 62-12.D. | Amends language pertaining to credentials from accredited institutions; does not change requirement. |
| 62-12.E. | Require that teacher education and school personnel programs meet requirements of the Commission and the Department of Education. |
| 62-13.A. | Require quantitative and qualitative requirements for admission; Require one calendar week per semester credit hour awarded. |
| 62-13.B. | Require credentials from accredited institutions |
| 62-13.D. | Require that teacher education and school personnel programs meet requirements of the Commission and the Department of Education. |
| 62-16.D. | Require publication of full-time faculty and degrees held. |
| 62-16.H. | Add disclosure that licensure indicates minimum standards have been met and is not equal to or synonymous with regional or specialized accreditation. |
| 62-23.A | Increases maximum initial and renewal fee from \$1,150 to \$5,000. |
| 62-23.D. | Increases maximum amendment fee from \$575 to \$2,500. |

Instructions:

62-6.A. Add “and in response to documented need” to the end of the first sentence. Add at end of section language referencing accreditation.

62-6.B. Add at end of section language referencing faculty.

62-6.D. Add at end of section records and transfer policy requirements

62-6.E. Add after “outline(s)” “including syllabi for each course specifying goals and requirements, course content, methods of evaluation, and bibliography”

62-6.J. Add at end of section staff and administrator credential requirements.

62-6.N. Strike “if any, for each certificate, diploma or degree offered by the institution” and add to section language concerning admission requirements and records.

62-6.2. Add R. 62-6.2. Evaluation and assessment.

62-11.A Add to end of section language referencing non-traditional schedule requirements.

62-11.G. In the first sentence, strike “under” and “bachelor’s” and add “master’s degree or hold the minimum of a master’s degree with a major in the teaching discipline”

62-11.H. Add “(usually a bachelor’s degree)” in the first sentence after “most possess appropriate academic preparation.”

62-11.I. Remove existing language; replace with amended language.

62-12.A. Add to the section language referencing non-traditional schedule requirements.

62-12.D. Remove existing language; replace with amended language.

62-12.E. Remove “certification,” add “education and school personnel preparation,” and add “Commission on Higher Education and the program approval standards of the” after “meet the requirements of the.”

62-13.A. Add at the end of the section language referencing admissions requirements, level of study, and non-traditional schedule requirements.

62-13.B. Add to the end of the section language concerning source of credentials.

62-13.D. Remove “certification,” add “education and school personnel preparation,” and add “Commission on Higher Education and the program approval standards of the” after “meet the requirements of the.”

62-16.D. Add to the end of the section publication of full-time faculty and degrees held.

62-16.H. Remove “and” between “Education” and “the Commission’s” and add to the end of the section additional disclosure statement.

62-23.A. Replace “one thousand one-hundred fifty” with “five thousand.”

62-23.D. Replace “five hundred seventy-five” with “two thousand five hundred”

Text:

62-6. Licensing Criteria.

The Commission may license the institution after due investigation has revealed that the institution and its programs have met the following criteria:

A. The course, program, curriculum, and instruction are of quality, content, and length as may reasonably and adequately achieve the stated objective for which the course, program, curriculum or instruction is offered and in response to documented need. For specific program length and instructor qualifications, see Regulations 62-9 through 62-13. An accrediting body recognized by the U. S. Department of Education must accredit out-of-state degree-granting institutions.

B. There is in the institution adequate space, equipment, instructional material, and appropriately qualified instructional personnel to provide training and education of good quality. The student-teacher ratio shall be reasonable at all times in keeping with generally accepted teaching modes for the subject matter. Skill training requires more attention, and thereby requires smaller classes. The institution must employ at least one full-time faculty for each major, curricular area, or concentration. This requirement may be met by faculty at the main campus and/or at locations within South Carolina. A full-time faculty member is one whose major employment is with the institution, whose primary assignment is in teaching and/or research, and whose employment is based on a contract for full-time employment. Institutions must ensure that each faculty member employed is proficient in oral and written communication in the language in which assigned courses will be taught. The institution must keep on file for each full-time and part-time faculty member documentation of academic preparation, such as official transcripts and, if appropriate for demonstrating competency, official documentation of professional and work experience, technical and performance competency, records of publications, certifications, and other qualifications. Institutions are encouraged to recruit and select faculty whose highest degree is earned from a broad representation of institutions.

C. The institution owns or makes available sufficient learning resources or, through formal agreements with institutional or other (where adequate) libraries to which students have access, ensures the provision of and access to adequate learning resources and services required to support the courses, programs and degrees offered. Formal agreements are defined and understood as written agreements in which each of the parties states clearly the resources and services it is willing and able to provide. Formal agreements shall be regularly reviewed and reaffirmed by participating parties.

D. A procedure exists for maintaining written records of the previous education and training of the applicant student clearly showing that appropriate credit is given by the institution, shortening the education and training period where warranted, and notifying the student. The policy must include the requirement for official transcripts of credit earned from institutions previously attended and qualitative and quantitative criteria for acceptability of transfer work. Institutions must award credit in accord with commonly accepted good practice in higher education. Institutions that award credit for experiential learning must do so under recognized guidelines that aid in evaluation for credit such as those prescribed by the American Council on Education. At least twenty-five percent of the program must be earned through instruction by the institution awarding the degree. Articulation agreements between associate and baccalaureate degree-granting institutions should be evaluated periodically to ensure an equitable and efficient transfer of students. "Inverted," "two plus two" and similar programs must include an adequate amount of advanced coursework in the subject field. Not more than sixty-four credit hours (approximately one-half) of a baccalaureate program may be transferred from a two-year (Level I accredited) institution. Out-of-state institutions offering programs at branch sites must grant transfer credit into the same programs at its principal location.

E. The institution has developed satisfactory course and program outline(s) including syllabi for each course specifying goals and requirements, course content, methods of evaluation, and bibliography; a schedule of tuition, fees, other charges and refund policy; attendance policy; grading policy including a policy for

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incomplete grades; rules of operation and conduct; and a policy for handling student complaints in compliance with Regulation 62-27.

F. The institution must award the student an appropriate certificate, diploma or degree showing satisfactory completion of the course, program, or degree.

G. Adequate records as prescribed by the Commission are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.

H. The institution complies with all local, county, and state regulations, such as fire, building, and sanitation codes. The Commission may require evidence of such compliance.

I. The institution is financially sound and can fulfill its commitments for education or training.

J. The institution's owners and directors are appropriately experienced and educated and are of good reputation and character. Site directors should be credentialed at the same level as the highest degree conferred at the site. Chief Academic Officers (those who choose faculty) must be credentialed at the same level as required for faculty. Exceptions must be documented and approved by the Commission. All administrative officers must possess credentials, experience and/or demonstrated competence appropriate to their areas of responsibility. The effectiveness of all administrators must be evaluated periodically. A person is considered to be of good reputation if:

(1) The person has no felony convictions related to the operation of a school, and the person has been rehabilitated from any other felony convictions;

(2) The person has no convictions involving crimes of moral turpitude;

(3) Within the last ten years, the person has never been successfully sued for fraud or deceptive trade practice;

(4) The person is not a plaintiff or defendant in litigation that carries a significant risk to the ability of the institution to continue operation;

(5) The person does not own a school currently violating legal requirements; has never owned a school with habitual violations; or has never owned a school that closed with violations including, but not limited to, unpaid refunds; or

(6) The person has not knowingly falsified or withheld information from representatives of the Commission.

K. The institution has, maintains, and publishes in its catalog, bulletin, or brochure and in its enrollment contract the proper refund policy that complies with Regulation 62-18.

L. The institution does not use erroneous or misleading advertising by actual statement, omission, or intimation.

M. The institution does not use a name that is misleading, the same as or similar to that of an existing institution.

N. The institution publishes and enforces admission requirements consistent with the purposes of the institution. To be admitted to degree programs, applicants must show official high school transcripts or GED scores. Official transcripts and GED scores must be a part of the admitted student's file.

O. The institution does not owe a penalty under Chapter 58 of Title 59, South Carolina Code of Laws, 1976.

P. The institution provides to each student before enrollment a catalog, bulletin or brochure meeting the requirements of Regulation 62-16.

Q. Any student living quarters owned, maintained, or approved by the institution are appropriate, safe and adequate.

R. All new programs and all major program revisions have been reviewed and approved by the Commission before the proposed date of implementation.

S. The institution shall comply with such additional criteria as may be required by the Commission.

62-6.2. Evaluation and Assessment.

The institution must have a clearly defined process by which the curriculum is established, reviewed, and evaluated. The institution must provide for appropriate and regular evaluation of the institution and its program and course effectiveness including assessment of student learning, retention, graduation rates, and student, graduate, faculty, and employer satisfaction. The results must be used to ensure and improve quality of instruction.

62-11. Program and Instructor Requirements for Associate Degree Programs.

A. Associate degree programs are lower-division college programs which typically consist of courses that full-time students may complete in a minimum of two academic years, i.e., six to eight academic quarters or four academic semesters. Courses offered in non-traditional formats, e.g., concentrated or abbreviated time periods, must be designed to ensure an opportunity for preparation, reflection, and analysis concerning the subject matter. At least one calendar week of reflection and analysis should be provided to students for each semester hour of credit awarded (or equivalent for a quarter schedule so that a four-and-one-half quarter hour course could be offered in no less than three weeks or a three quarter-hour course could be offered in no less than two weeks).

B. The curriculum shall consist of at least ninety quarter hours or sixty semester hours and, except for a highly specialized curriculum, a maximum generally of one hundred ten quarter credit hours or seventy-three semester credit hours of instruction. The curriculum must include a minimum of fifteen semester hours or equivalent in general education courses to include at least one (three semester-hour) course in each of the following areas: the humanities/fine arts, the social/behavioral sciences, and the natural sciences/mathematics. The curriculum must provide components designed to ensure competence in reading, writing, oral communication, fundamental mathematical skills, and basic use of computers.

C. The Associate in Arts and Associate in Science degrees primarily prepare the student to transfer to an upper-division baccalaureate degree program. To qualify as a transfer program, a minimum of fifty percent of credit hours required for completion of that program shall consist of college-level courses in the arts and sciences.

D. Occupational degrees must include at least fifty percent of quarter or semester hours of related technical course instruction.

E. Associate degree programs designed primarily for immediate employment should be designated as an Associate in Applied Science degree, or other appropriate title, and identified with a specialty designation. This identification of a specialty or major implies relevant preparation for employment in a specific area of work (e.g., Associate in Applied Science, Computer Technology).

F. Remedial/developmental/deficiency/refresher courses shall not be credited toward a degree.

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G. Faculty members who teach general education courses (humanities/fine arts, social/behavioral sciences and natural sciences/mathematics) or professional, occupational, and technical courses designed for college transfer must have completed at least eighteen graduate semester hours in the teaching discipline and hold at least a master's degree or hold the minimum of the master's degree with a major in the teaching discipline. Exceptions to academic preparation may be made only with the prior consent of the Commission.

H. Faculty members who teach courses in professional, occupational, and technical areas that do not usually result in college transfer or in the continuation of students in senior institutions, must possess appropriate academic preparation (usually a bachelor's degree) or academic preparation coupled with work experience. The minimum academic degree for faculty teaching in professional, occupational and technical areas must be in a related field and at the same level at which the faculty member is teaching. Exceptions to academic preparation may be made only with the prior consent of the Commission.

I. An institution must employ faculty members whose highest earned degree presented as the credential qualifying the faculty member to teach at the institution is from an institution accredited by an accrediting body recognized by the U.S. Department of Education. Exceptions may be made only with the prior consent of the Commission.

J. Notwithstanding the above requirements, the Commission may license out-of-state institutions accredited by a recognized accrediting agency to recruit in South Carolina.

62-12. Program and Instructor Requirements for Baccalaureate Degree Programs.

A. Baccalaureate degree programs typically consist of technical and general education courses in which full-time students may complete their requirements in a minimum of four academic years, twelve academic quarters or eight academic semesters. Each educational program leading to a baccalaureate degree normally has courses totaling a minimum of one-hundred eighty quarter credit hours or one-hundred twenty semester credit hours. The curriculum must include a minimum of thirty semester hours or equivalent in general education courses to include at least one (three semester-hour) course in each of the following areas: the humanities/fine arts, the social/behavioral sciences, and the natural sciences/mathematics. The curriculum must provide components designed to ensure competence in reading, writing, oral communication, fundamental mathematical skills, and basic use of computers. Courses offered in non-traditional formats, e.g., concentrated or abbreviated time periods, must be designed to ensure an opportunity for preparation, reflection, and analysis concerning the subject matter. At least one calendar week of reflection and analysis should be provided to students for each semester hour of credit awarded (or equivalent for a quarter schedule so that a four-and-one-half quarter hour course could be offered in no less than three weeks or a three quarter-hour course could be offered in no less than two weeks).

B. Faculty members who teach lower-division courses must meet the requirements specified in Regulation

62-11. Program and Instructor Requirements for Associate Degree Programs

C. There should be an appropriate number of faculty members who hold terminal degrees, usually an earned doctorate, especially department chairpersons; all others who teach upper-division courses should hold master's degrees with at least eighteen graduate semester hours in the teaching discipline, or a master's degree with a major in the teaching discipline. In exceptional cases, outstanding professional experience and demonstrated contributions to the teaching discipline may be presented instead of formal academic preparation. Such exceptions must be justified by the institution on an individual basis.

D. An institution must employ faculty members whose highest earned degree presented as the credential qualifying the faculty member to teach at the institution is from an institution accredited by an accrediting body recognized by the U.S. Department of Education. Exceptions may be made only with the prior consent

of the Commission

E. Teacher education and school personnel preparation programs must meet the requirements of the Commission on Higher Education and the program approval standards of the South Carolina Department of Education.

62-13. Program and Instructor Requirements for Graduate Programs.

A. Master's degree programs normally require satisfactory completion of full-time study for one or more academic years beyond the baccalaureate degree. An institution must establish qualitative and quantitative requirements which result in the admission of students whose educational preparation indicates the potential for a high level of performance. Graduate study must be at a level of complexity and specialization that extends the knowledge and intellectual maturity of the student. Courses offered in non-traditional formats, e.g., concentrated or abbreviated time periods, must be designed to ensure an opportunity for preparation, reflection, and analysis concerning the subject matter. At least one calendar week of reflection and analysis should be provided to students for each semester hour of graduate credit awarded (or equivalent for a quarter schedule so that a four-and-one-half quarter hour course could be offered in no less than three weeks or a three quarter-hour course could be offered in no less than two weeks).

B. With rare exception, graduate faculty members shall hold a terminal degree, usually an earned doctorate, in the field in which they teach. Students shall have sufficient access to these faculty members to provide meaningful interaction. An institution must employ faculty members whose highest earned degree presented as the credential qualifying the faculty member to teach at the institution is from an institution accredited by an accrediting body recognized by the U.S. Department of Education. Exceptions may be made with the prior consent of the Commission.

C. A doctoral degree program normally requires satisfactory completion of three or more academic years of full-time study beyond the baccalaureate degree and evidence, usually a doctoral dissertation, of competence in independent research.

D. Teacher education and school personnel preparation programs must meet the requirements of the Commission on Higher Education and the program approval standards of the South Carolina Department of Education.

62-16. Catalog/Bulletin/Brochure Requirements.

Each institution shall provide students, prospective students, and other interested persons a catalog, bulletin or brochure containing, as a minimum, the following:

A Name, address and telephone number of the institution.

B. Date of publication and volume number.

C. Table of contents, if justified by the length of the publication.

D. Names of owners and officers, including any governing boards, and full-time faculty and degrees held.

E. The institution's statement of purpose.

F. A brief description of the institution's physical facilities, equipment to be used in class, and the maximum or usual class size.

G. A realistic description of student living quarters if owned, maintained or approved by the institution, and

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full disclosure of conditions and fees.

H. A statement in the catalog, bulletin or brochure to read, "Licensed by the South Carolina Commission on Higher Education," the Commission's mailing address and telephone number, and a statement similar to the following: "Licensure indicates that minimum standards have been met; it is not equal to or synonymous with regional or specialized accreditation."

I. If the institution is accredited or if any of its programs are accredited and the institution makes reference to accreditation in its publications, the accrediting agency's name, address and telephone number.

J. The admission requirements for each program and student application procedures.

K. The educational, academic or occupational objectives of each program; the requirements and procedures for obtaining any licensure, registration, or certification required or advantageous for the occupational field or information concerning access to the same.

L. The number of hours of instruction in each subject and the total program. For nondegree programs, the length of time in weeks or months normally required for completion.

M. A statement of the certificate, diploma or degree awarded upon graduation.

N. A calendar showing the class start and end dates, drop-add dates, holidays and vacations.

O. Policies relating to tardiness, absences, makeup work, conduct (including causes for dismissal and conditions for re-admission), termination, reentry, and other rules and regulations of the institution.

P. Standards of progress, including the grading system used, minimum scores required, academic probation policies (including re-admission requirements), maintenance of progress records, and how progress is reported to students. Grades shall be reported to students no less often than after each term.

Q. A statement of tuition and other student charges related to the enrollment, such as deposits, fees, books and supplies, tools and equipment, and any other charges for which a student may be responsible.

R. The cancellation and refund policy of the institution, which must comply with Regulation 62-18.

S. A detailed and explicit description of job placement assistance available to students and/or graduates. If no placement assistance is offered, the institution shall so state.

T. The institution's procedures for handling student complaints, which must comply with Regulation 62-27.

U. A statement that enrollment in the institution or completion of the program does not guarantee employment.

V. A statement that the institution makes no claim or guarantee that credit earned will transfer to another institution.

W. Such other material facts concerning the institution and the program of instruction as are likely to affect the decision of the student enrolling therein.

X. Out-of-state truck driving institutions shall disclose that graduates should have attained the age of twenty-one before completion of the program of instruction. Those institutions admitting students between the ages of eighteen and twenty-one shall require all applicants to sign a statement of understanding that employment with truck driving companies operating interstate is not possible until the applicant attains the age of twenty-one.

Y. Supplemental page(s) may be used as a part of the catalog, bulletin or brochure provided they are used in such a way to become an effective part of the catalog, bulletin or brochure. Supplemental page(s) shall show an effective date and shall be presented to each prospective student before execution of any enrollment contract.

Z. The Commission may amend, modify, substitute, or alter these publication requirements as necessary and advisable because of the specialized nature and objective(s) of the institution.

62-23. Fees.

A. Initial and annual institutional license fees are one-half of one percent of the actual or expected gross income of the licensed program(s), but not less than one hundred fifteen dollars or more than five thousand dollars per location. Gross annual income is computed after a normal tax accounting year of an institution. Any tuition earned for licensed programs during that twelve-month period shall be included as the gross annual income. The only expense that can be deducted from gross tuition is refunds made to students. For out-of-state institutions licensed to offer their program(s) to residents of the State, gross income means that income generated from students enrolled in the State.

B. Late filing fees are as follows:

(1) An institution submitting its application for renewal or its annual periodic reports more than five business days after the due date shall be assessed an additional charge of ten percent of the institution's annual fee for each five business days the report is past due, but not less than fifty dollars for each five-day increment., not to exceed one-hundred percent of the annual fee. If the renewal or annual report is submitted by the due date but is incomplete, the Commission will notify the institution and establish a specific date by which the remainder of the report must be submitted. If the remainder of the report is not submitted by the established date, the Commission may reactivate the late fee.

(2) The Commission may waive or reduce the late fee in case of mitigating circumstances as determined by the Commission.

C. Amendment of license to move an existing location or site: \$60

D. Amendment of license for each additional program or site: one-half of one percent of the projected additional gross tuition income for the first year, but not less than fifty dollars or more than two-thousand five hundred dollars per program. For out-of-state institutions licensed to offer their program(s) to residents of the State, gross income means that income generated from students enrolled in the State.

E. Re-issuance of license for program name change or institution name change: \$30.

F. Initial and renewal of agent permit: \$30.

G. Re-issuance of agent permit: \$10.

H. All fees shall be submitted at the time of application and are nonrefundable.

I. The Commission may assess a fine for failure to respond in a timely manner to a request from the Commission for information or for repeat violations involving deceptive trade or sales practices or advertising. In assessing a fine, the Commission must consider the nature of the violation and whether the institution has a history of infractions. A fine may not exceed one thousand dollars per year, and if the institution does not pay the fine within 30 days of written notification by the Commission, late fees may be assessed as described in this section, or the Commission may proceed with revocation of the license.

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J. All fees shall be paid by check or money order payable to the "South Carolina Commission on Higher Education."

K. The Commission may periodically adjust fees based on the consumer price index or other appropriate indicator.

Fiscal Impact Statement:

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

Document No. 2833
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 71
Statutory Authority: 1976 Code Section 41-15-210
Article I, Subarticle 6 and Subarticle 7
Occupational Safety and Health Standards

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

In Subarticle 6 (General Industry):

Minimum standard for Exit Routes, Emergency Action Plans, and Fire Prevention Plans shall be 1910.33 – 1910.39 and related revisions to 1910.119, 1910.120, 1910.157, 1910.268, 1910.272, 1910.1047, 1910.1050, 1910.1051 as amended in FEDERAL REGISTER, Volume 67, Number 216, pages 67961 – 67965, dated November 7, 2002.

In Subarticle 7 (Construction):

Minimum standard for Accident Prevention Signs and Tags, Signaling, and Barricades shall be 1926.200-1926.203 as amended in FEDERAL REGISTER, Volume 67, Number 177, page 57736, dated September 12, 2002.

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the Office of Public Information at (803) 896-4380.

Resubmitted May 22, 2002

Document No. 2711
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114
Statutory Authority: S.C. Code Sections 20-7-2250 and 43-1-80 (Supp.2000)

A. Foster Care

Synopsis:

The Department proposes to amend and replace in its entirety Regulations 114-550. Notices of Drafting were published November 27, 1998 and September 28, 2001. Comments from both notices were considered in formulating the proposed revisions. These proposed final regulations and a tentative public hearing date of February 14, 2002 were published for notice and public comment December 28, 2001. No further comments were received and there was no request for a public hearing, therefore the hearing was cancelled. The purpose

of the revisions is to incorporate recent state and federal law and policy changes, and to enhance the requirements for licensure and standards of care for foster children. Below listed, please find the Section by Section discussion of proposed revisions.

Section by Section Discussion

114-550. Change title from Foster Care to Licensure for Foster Care as that more accurately reflects the content of the regulations.

114-550 A. Definitions. The actual language of the definitions of Foster Care, Board Payments, Foster Family, Assessment Summary, Child Placing Agency, and Agency was updated to reflect current practice definitions. New definitions, Kinship Care Foster Family, Household Member, and Foster Child, were added.

114-550 B. Applications. Current language was updated and new language added to emphasize the importance of securing thorough, complete, and accurate application information. Licensing agency has the authority to request additional information during initial licensure or for renewals. Incomplete or erroneous information can result in a denial or revocation of licensure or renewals.

114-550 C. Licensing Procedure. Some language was reformatted. Licensing agency now has up to 120 days from date of application to reach a decision and the decision is stayed pending receipt of any delayed information.

114-550 D. Licenses. Current language was updated. A standard license can now run for two years. The new types of licenses that can be issued are called Standard, Standard with Temporary Waiver, and a Standard – Exceeds Maximum Number Allowed. A Standard with Temporary Waiver License can be issued in specific circumstances and for up to 90 days. A Standard – Exceeds Maximum Number Allowed can be issued in specific circumstances and can exist until the number of children no longer exceeds the maximum number of children for whom the home could normally be licensed. A foster parent can care for up to five children, instead of six. Part of current regulations Section L related to license parameters was incorporated into this new section.

114-550 E. Assessment Study. The assessment summary has been renamed study, certain language was updated or reformatted. Enhancements have been made to the process of interviewing individuals in the applicant household and to the components of the documented study. Applicants for whom the licensing agency is recommending denial are to be informed of the study results and recommendation and allowed to voluntarily withdraw.

114-550 F. Working Foster Parents. Clarification was needed that SCDSS or child placing agency staff must interview individuals who are to provide care for the foster child.

114-550 G. The Requirements for Licensing of a Foster Family. The section title was previously The Licensing of Foster Home. Requirements chronology was changed to reflect the addition of various background checks, annual fire inspections, increase in training hours, enhancement in licensing agency ability to obtain medical or psychological information and information related to past history of treatment for mental health and substance abuse issues. Current regulations Section G regarding references was incorporated into this revised expanded section. Current regulations Section H, related to evaluation of the assessment summary and recommendations, was also incorporated into this revised section. In addition, current regulations Section O related to substantiated abuse and neglect and criminal history records were incorporated into this revised section.

114-550 H. The following standards of care shall be maintained by foster families. The words, of care, were added behind the word standards in the title for this. Clarifications or enhancements were made to sleeping arrangements, working with the agency toward the eventual departure of a foster child from the foster home,

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how medical treatment is handled and reported, the timely reporting of certain critical incidents, school attendance, and the prohibition of corporal punishment. New standards of care related to safety issues for firearms, swimming pools, pets, boarders, background checks, transportation, and home based businesses were added. Certain licensing parameters previously present in other sections of the current regulations were moved into this section. Part of current regulations Section L related to standards for numbers of children and household membership was incorporated into this new expanded section.

114-550 I. Records Documentation Required for Child Placing Agencies. The current regulation language is Section K Records Required for Licensing Non Department of Social Services Foster Home. New language has been added that child placing agencies records shall contain documentation of compliance with these regulations and SCDSS procedures related to foster home licensing.

114-550 J. Adoption of Foster Children by Foster Parents. Language was reformatted for this section. This is Section M in the current regulations.

114-550 K. Initial Licensing, Renewal, Denial, Revocation, and Termination of License. Current regulation section title is Section N Renewal, Revocation, and Denial of License. Language has been updated to reflect standard licenses can run for two years, the requirements of the renewal process, the potential adverse actions of denial and revocation can also occur for noncompliance with standards of care listed in the regulations, and the use of certified mail instead of registered mail.

114-550 L. Kinship Foster Parents. New section describes that relatives being licensed as foster homes must meet the same basic requirements as non relatives and that relatives are given preference in placements if it is in the best interest of the child.

114-550 M. Confidentiality. This is Section P in current regulations. Revisions clarify persons who can receive confidential information about the foster child and that information shared is limited to that which is necessary to provide for the child's needs and in their best interest.

114-550 N. Prior Regulations Repealed. This is Section Q in current regulations. Discusses deletion of previous regulations.

114-550 O. Regulations Review. New section allows for regulations to be evaluated every five years at a minimum.

Instructions: The following regulations, 114-550, are to be added to Chapter 43 of the 1976 Code, as a substitution for the current regulations.

Text:

114-550. LICENSURE FOR FOSTER CARE

A. Definitions.

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

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

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

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

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

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

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

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

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

B. Applications.

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

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

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

C. Licensing Procedure.

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

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

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

D. Licenses.

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

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

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

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

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

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

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

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

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

E. Assessment Study.

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

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

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

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

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

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

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

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

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

F. Working Foster Parents.

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

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

G. The Requirements for Licensing of a Foster Family.

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

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

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

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

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

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

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

(b) Annual fire inspections are required thereafter.

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

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

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

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

(4) The applicants/foster parents shall:

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

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

(c) Be capable of handling an emergency situation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) If the

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

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

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

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

- (a) Death of any child in the home;
- (b) Attempted suicide by the child;
- (c) Child is caught with a weapon or illegal substance;
- (d) Child is charged with a juvenile or adult offense;
- (e) Child is placed on homebound schooling or is suspended or expelled from school;
- (f) Child has left the home without permission and has not returned.

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

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

(b) SCDSS will choose school foster child attends.

(c) SCDSS will not pay for costs associated with private tuition.

(d) Unless extenuating circumstances exist, foster parents shall not home school foster children. SCDSS must approve any such plan.

(11) Religious education shall be in accordance with the expressed wishes of the natural parents, if such wishes are expressed.

(12) All discipline must be reasonable in manner, moderate in degree and responsibly related to the child's understanding and need.

(a) Discipline should be constructive or educational in nature (e.g. withdrawal of privileges).

(b) Cruel, inhumane and inappropriate discipline is prohibited. This would include but not necessarily be limited to the following: head shaving or any other dehumanizing or degrading act; prolonged/frequent deprivation of food or serving foster children meals which are not as nutritionally adequate as those served to other family members or requiring children to be isolated from other family members when eating, deprivation of mail, slapping or shaking; a pattern of threats of removal from the home as punishment; disciplining a child for a medical or psychological problem over which he/she has no control (e.g. bedwetting, stuttering, etc.).

(c) All foster homes are subject to South Carolina laws relating to child abuse and neglect.

(d) The use of corporal punishment as a form of discipline is prohibited.

(13) Tasks which are assigned to foster children shall be appropriate to the ability of the child, similar to responsibilities assigned to other children, and geared toward teaching personal responsibility.

(14) Foster parents must assist older foster adolescents in their care in learning skills that are necessary for successful independent living.

(15) Varied recreational activities shall be available to each child.

(16) Infants and children shall not be left without competent supervision.

(17) Foster parents, in conjunction with SCDSS, shall keep a life book/scrapbook on each foster child placed in their home. Children's records and reports shall be kept confidential and shall be returned to SCDSS when a foster child leaves the foster home.

(18) Firearms and any ammunition shall be kept in a locked storage container except when being legally carried upon the foster parent's person; being used for educational, recreational, or defense of self or property purposes by the foster parent; or being cleaned by the foster parent.

(19) Applicant must be able to secure/supervise access to in ground or above ground swimming pools and maintain adequate supervision during periods of swimming.

(20) Fire escape plans must be developed, posted and routine drills conducted.

(21) A plan for how the family will respond and travel in the event of a disaster (e.g.. a hurricane evacuation) must be developed and shared with SCDSS or child placing agency.

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(22) All pets must be kept current with rabies vaccinations and proof of such provided. Pets must not pose a safety concern. SCDSS or the child placing agency will determine what constitutes a safety concern.

(23) Applicants and current licensed families must make themselves reasonably available on an ongoing basis to SCDSS or the child placing agency for statutorily required contacts or other contacts SCDSS or the child placing agency deems necessary. SCDSS or the child placing agency has the right to make unannounced visits, and talk to any foster child on an as needed basis.

(24) Board payments shall be utilized but not limited to reimbursement for a foster child's board, school expenses, food, clothing, incidentals, minor medical needs and other expenses.

(25) A foster home shall not provide full time care for more than five (5) children, including the foster parents' own children and/or other children who are household members unless SCDSS or the child placing agency is keeping siblings together or making an adoptive placement or the placement has been court ordered.

(a) No more than two (2) infants (age birth to one year) shall be placed in the same foster home without prior approval from SCDSS or child placing agency management staff.

(b) No foster home shall exceed the number of children stipulated on their issued license without permission from SCDSS or child placing agency staff.

(c) No foster home shall accept children referred by another public or private source without obtaining the permission of SCDSS or child placing agency staff prior to the actual placement.

(26) When a home is licensed to provide care for an unmarried mother, a plan for medical and hospital care, as well as appropriate protection from community stresses associated with pregnancy, must be made.

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

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

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

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

I. Records Documentation Required for Child Placing Agencies.

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

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

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

J. Adoption of Foster Children by Foster Parents.

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

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

- (a) The child has been in the same foster home for a consecutive six months period of time or more; and

- (b) The child is legally free for adoption; and
- (c) Placement for adoption with the foster family is deemed to be in the best interest of the child by SCDSS or the child placing agency.

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

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

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

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

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

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

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

L. Kinship Foster Parents.

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

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

M. Confidentiality.

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

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

N. Prior Regulations Repealed.

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

O. Regulations Review.

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

Fiscal Impact Statement:

The South Carolina Department of Social Services estimates there will not be any additional costs incurred by the State and its political subdivisions in complying with the proposed regulation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: The Licensure for Foster Care regulations establish revised procedures for South Carolina Department of Social Services and other child placing agencies engaged in the practice of studying applicants for foster family care.

Purpose: This regulation will govern the licensure requirements, standards of care expected, and licensing parameters pertaining to foster families in South Carolina.

Legal Authority: Sections 20-7-2250 and 43-1-80 (Supp. 2000) of the South Carolina Code of Laws.

Plan for Implementation: The South Carolina Department of Social Services Division of Human Services will be coordinating implementation of needed changes internally in conjunction with the Staff, Development and Training Division and the Office of County Operations. In addition, the agency will coordinate with, and provide ongoing training for, staff of other child placing agencies.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This regulation establishes the administration and process for licensure of foster families in South Carolina by authority of Sections 20-7-2250 and 43-1-80 (Supp. 2000) of the South Carolina Code of Laws.

DETERMINATION OF COSTS AND BENEFITS: No additional costs will be incurred.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: None