

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2019 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

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

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TABLE OF CONTENTS

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

EXECUTIVE ORDERS

Executive Order No. 2019-09 Removing Richland County Election Commission4
Executive Order No. 2019-10 Lowering Flags for Former Senator Billy Coleman.....5

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF
Certificate of Need6

DRAFTING NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF
Hazardous Waste Management Regulations8
Hazardous Waste Management Regulations (Exempt)8
Medical and Dental Scholarship Fund9
Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse
or Dependence10
Standards for Licensing Renal Dialysis Facilities10

HIGHER EDUCATION, COMMISSION ON
Determination of Rates of Tuition and Fees11

LABOR, LICENSING AND REGULATION, DEPARTMENT OF
Fee Schedules11
Dentistry, Board of
Use of Lasers in a Dental Practice; Laboratory Work Authorization Form; Sanitary Standards;
and Ethics12

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date
 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4809			Standards for Licensing Crisis Stabilization Unit Facilities	5/08/19	Department of Health and Envir Control
4834			Seasons, Limits, Methods of Take and Special Use		
			Restrictions on Wildlife Management Areas	5/08/19	Department of Natural Resources
4839			Transportation Project Prioritization	5/08/19	Department of Transportation
4812			Withdrawal of Certification of Law Enforcement Officers	5/08/19	South Carolina Criminal Justice Academy
4813			Denial of Certification for Misconduct	5/08/19	South Carolina Criminal Justice Academy
4835			Annual Audited Financial Reporting Regulation	5/08/19	Department of Insurance
4836			Corporate Governance Annual Disclosure Regulation	5/08/19	Department of Insurance
4828			Notices to be Posted	5/08/19	South Carolina Human Affairs Commission
4829			Guidelines Established	5/08/19	South Carolina Human Affairs Commission
4830			Hearing Procedures (Review and Enforcement)	5/08/19	South Carolina Human Affairs Commission
4838			Requirements for State Water Pollution Control Revolving Fund Loan Assistance	5/08/19	Department of Health and Envir Control
4837			South Carolina Immunization Registry	5/08/19	Department of Health and Envir Control
4832			Accounting and Reporting	5/08/19	State Board of Education
4841			Hazardous Waste Management Regulations	5/08/19	Department of Health and Envir Control
4842			Retail Food Establishments; and Retail Food Establishment Inspection Fees	5/08/19	Department of Health and Envir Control
4848			Contractor's Licensing Board	5/08/19	LLR-Contractor's Licensing Board
4847			International Building Code	5/08/19	LLR-Building Codes Council
4851			Licensure by Registration; and Licensure by Endorsement	5/08/19	LLR- Panel for Dietetics
4850			Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists	5/08/19	LLR-Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists
4844			Long Term Health Care Administrators Board	5/08/19	LLR
4852			Board of Long Term Health Care Administrators	5/08/19	LLR-Board of Long Term Health Care Administrators
4853			Requirements to Take Step 3 of the United States Medical Licensing Examination	5/08/19	LLR- Board of Medical Examiners
4854			Reactivation of Inactive or Lapsed Licenses; and Code of Ethics	5/08/19	LLR-Board of Occupational Therapy
4824			Manufactured Home Installation Requirements	5/08/19	LLR-Manufactured Housing Board
4855			Licensure Requirements; Continuing Education; and Licensure By Endorsement	5/08/19	LLR-Board of Examiners in Optometry
4822			Administrative Citations and Penalties	5/08/19	LLR-Board of Pharmacy
4856			Amend Regulations to Conform to Requirements Established by 2018 Act 226, Physical Therapy Licensure Compact	5/08/19	LLR-Board of Physical Therapy Examiners
4858			General Licensing Provisions; Speech-Language Pathology Assistants; and Continuing Education	5/08/19	LLR-Board of Examiners in Speech-Language Pathology and Audiology
4811			Employee's Revocable Authorization of a Deduction of Earnings	5/08/19	Department of Consumer Affairs
4862			Board of Examiners for Licensure of Professional Counselors and Marital and Family Therapists	5/08/19	LLR
4863			Code of Ethics	5/08/19	LLR-Board of Nursing
4864			Continuing Education Advisory Committee	5/08/19	LLR-Board of Social Work Examiners
4869			International Mechanical Code	5/08/19	LLR-Building Codes Council
4868			International Residential Code	5/08/19	LLR-Building Codes Council
4867			National Electrical Code	5/08/19	LLR-Building Codes Council
4865			International Fire Code	5/08/19	LLR-Building Codes Council
4866			International Fuel Gas Code	5/08/19	LLR-Building Codes Council
4860			Additional Regulations Applicable to Specific Properties	5/08/19	Department of Natural Resources
4861			Consolidated Procurement Code	5/08/19	State Fiscal Accountability Authority
4849			Surety Bond Claims	5/08/19	LLR-Contractor's Licensing Board
4857			Education and Experience Requirements for Licensure; and Minor Corrections	5/08/19	LLR-Real Estate Appraisers Board
4816			Palmetto Fellows Scholarship Program	5/08/19	Commission on Higher Education
4819			Medical Homebound Instruction	5/08/19	State Board of Education
4846			Auctioneers' Commission (Repeal Specific Regulations)	5/08/19	LLR-Auctioneers' Commission
4859			Veterinary Medicine and Animal Shelters	5/08/19	LLR-Board of Veterinary Medical Examiners
4831			School Resource Officers	5/09/19	State Board of Education

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4833	Operation of Public Pupil Transportation Services	5/09/19	State Board of Education
Committee Request Withdrawal			
4843	Board of Physical Therapy Examiners	Tolled	LLR
Permanently Withdrawn			
4820	Auctioneers' Commission		LLR
4821	Real Estate Commission		LLR

COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

In order by General Assembly review expiration date
 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4809	Standards for Licensing Crisis Stabilization Unit Facilities	Regulations and Admin. Procedures	Medical Affairs
4834	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Regulations and Admin. Procedures	Fish, Game and Forestry
4839	Transportation Project Prioritization	Regulations and Admin. Procedures	Transportation
4812	Withdrawal of Certification of Law Enforcement	Regulations and Admin. Procedures	Judiciary
4813	Denial of Certification for Misconduct	Regulations and Admin. Procedures	Judiciary
4835	Annual Audited Financial Reporting Regulation	Regulations and Admin. Procedures	Banking and Insurance
4836	Corporate Governance Annual Disclosure Regulation	Regulations and Admin. Procedures	Banking and Insurance
4828	Notices to be Posted	Regulations and Admin. Procedures	Judiciary
4829	Guidelines Established	Regulations and Admin. Procedures	Judiciary
4830	Hearing Procedures (Review and Enforcement)	Regulations and Admin. Procedures	Judiciary
4838	Requirements for State Water Pollution Control Revolving Fund Loan Assistance	Regulations and Admin. Procedures	Agriculture and Natural Resources
4837	South Carolina Immunization Registry	Regulations and Admin. Procedures	Medical Affairs
4832	Accounting and Reporting	Regulations and Admin. Procedures	Education
4841	Hazardous Waste Management Regulations	Regulations and Admin. Procedures	Medical Affairs
4842	Retail Food Establishments; and Retail Food Establishment Inspection Fees	Regulations and Admin. Procedures	Medical Affairs
4848	Contractor's Licensing Board	Regulations and Admin. Procedures	Labor, Commerce and Industry
4847	International Building Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4851	Licensure by Registration; and Licensure by Endorsement	Regulations and Admin. Procedures	Labor, Commerce and Industry
4850	Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists	Regulations and Admin. Procedures	Labor, Commerce and Industry
4844	Long Term Health Care Administrators Board	Regulations and Admin. Procedures	Medical Affairs
4852	Board of Long Term Health Care Administrators	Regulations and Admin. Procedures	Medical Affairs
4853	Requirements to Take Step 3 of the United States Medical Licensing Examination	Regulations and Admin. Procedures	Medical Affairs
4854	Reactivation of Inactive or Lapsed Licenses; and Code of Ethics	Regulations and Admin. Procedures	Medical Affairs
4824	Manufactured Home Installation Requirements	Regulations and Admin. Procedures	Labor, Commerce and Industry
4855	Licensure Requirements; Continuing Education; and Licensure By Endorsement	Regulations and Admin. Procedures	Medical Affairs
4822	Administrative Citations and Penalties	Regulations and Admin. Procedures	Medical Affairs
4856	Amend Regulations to Conform to Requirements Established by 2018 Act 226, Physical Therapy Licensure Compact	Regulations and Admin. Procedures	Medical Affairs
4858	General Licensing Provisions; Speech-Language Pathology Assistants; and Continuing Education	Regulations and Admin. Procedures	Medical Affairs
4811	Employee's Revocable Authorization of a Deduction of Earnings	Regulations and Admin. Procedures	Banking and Insurance
4862	Board of Examiners for Licensure of Professional Counselors and Marital and Family Therapists	Regulations and Admin. Procedures	Labor, Commerce and Industry
4863	Code of Ethics	Regulations and Admin. Procedures	Labor, Commerce and Industry
4864	Continuing Education Advisory Committee	Regulations and Admin. Procedures	Labor, Commerce and Industry
4869	International Mechanical Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4868	International Residential Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4867	National Electrical Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4865	International Fire Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4866	International Fuel Gas Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4860	Additional Regulations Applicable to Specific Properties	Regulations and Admin. Procedures	Fish, Game and Forestry
4861	Consolidated Procurement Code	Regulations and Admin. Procedures	Finance
4849	Surety Bond Claims	Regulations and Admin. Procedures	Labor, Commerce and Industry
4857	Education and Experience Requirements for Licensure; and Minor Corrections	Regulations and Admin. Procedures	Labor, Commerce and Industry
4816	Palmetto Fellows Scholarship Program	Regulations and Admin. Procedures	Education
4819	Medical Homebound Instruction	Regulations and Admin. Procedures	Education
4846	Auctioneers' Commission (Repeal Specific Regulations)	Regulations and Admin. Procedures	Labor, Commerce and Industry
4859	Veterinary Medicine and Animal Shelters	Regulations and Admin. Procedures	Agriculture and Natural Resources
4831	School Resource Officers	Regulations and Admin. Procedures	Education
4833	Operation of Public Pupil Transportation Services	Regulations and Admin. Procedures	Education
Committee Request Withdrawal			
4843	Board of Physical Therapy Examiners	Regulations and Admin. Procedures	Medical Affairs
Permanently Withdrawn			
4820	Auctioneers' Commission	Regulations and Admin. Procedures	Labor, Commerce and Industry
4821	Real Estate Commission	Regulations and Admin. Procedures	Labor, Commerce and Industry

4 EXECUTIVE ORDERS

Executive Order No. 2019-09

WHEREAS, the Governor can remove members of any county Board of Voter Registration and Elections for incapacity, misconduct, or neglect of duty pursuant to section 7-5-10(A) of the South Carolina Code of Laws; and

WHEREAS, the Board of Voter Registration and Elections of Richland County (“the Board”) has a history of problems in its county-wide voting and election process; and

WHEREAS, some of the problems to occur include: 2010 certification of incorrect election results after 1,100 votes were not counted; 2012 failure to deploy enough voting machines resulting in lengthy lines and missed deadline for vote certification; and 2016 need for assistance after missing a recount deadline in the 2016 primary; and

WHEREAS, based on this recent history, the Board had knowledge that issues plagued Richland County’s election processes; and

WHEREAS, the Board has acknowledged the serious failures and shortcomings; and

WHEREAS, the State Election Commission determined that in November of 2018 approximately 1,040 votes cast on November 6, 2018 were not counted; and

WHEREAS, the Richland County Elections Commission Director oversees the vote count; and

WHEREAS, in response to the news that 1040 votes were not counted, the Richland County Elections Commission Director resigned, notifying the Board of his decision on Saturday, February 9, 2019; and

WHEREAS, the Board has a fiduciary duty to oversee the organization’s operations appropriately, and is specifically tasked with the duty of hiring and dismissing a Director pursuant to 7-5-10 of the S.C. Code of Laws; and

WHEREAS, the Board has ultimate responsibility for the actions and inactions of the election commission; and

WHEREAS, the Board met February 13, 2019, but failed to move forward and answer questions regarding what it will do to ensure problems did not occur again; and

WHEREAS, members of the Board exhibited misconduct on the February 13, 2019 meeting, and members have done so in previous Board meetings, to include mismanagement of Board Meetings, improper conduct, and bad behavior; and

WHEREAS, the misconduct of the Board affects its ability to perform its duties; and

WHEREAS, the issues affecting the Board are substantial in nature and directly affect the rights and interests of the public; and

WHEREAS, public confidence must be restored in the Board; and

WHEREAS, the actions and inactions of the Board meet the standard of removal set forth in statute allowing removal for incapacity, misconduct, or neglect of duty pursuant to Section 7-5-10(A) of the South Carolina Code of Laws.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby Order the removal of all members of the Board of Voter Registration and Elections of Richland County. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 14th DAY OF FEBRUARY, 2019.

**HENRY MCMASTER
GOVERNOR**

Executive Order No. 2019-10

WHEREAS, I have been notified of the passing of Billy C. Coleman; and

WHEREAS, Billy C. Coleman dutifully served the State of South Carolina as a member of the South Carolina Senate and in various local capacities, including as Saluda County Attorney and Saluda County Veterans Affairs Officer; and

WHEREAS, in 1943, Billy C. Coleman resigned his seat in the South Carolina Senate to serve in the United States Navy during World War II, where he served with distinction and commanded twenty-seven landing boats as part of several key invasions, including the D-Day invasion of Normandy on June 6, 1944; and

WHEREAS, prior to his recent passing, Billy C. Coleman was reported to be the State of South Carolina's oldest living World War II veteran; and

WHEREAS, Billy C. Coleman was a dedicated public servant, devoted lawyer, tireless community advocate, revered son of Saluda County, proud World War II veteran, and beloved father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of distinguished service to the State of South Carolina; and

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

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby Order that the flags atop the State Capitol Building be lowered to half-staff from sunrise until sunset on Friday, March 8, 2019, in honor of Billy C. Coleman and in recognition of his extraordinary legacy and lifetime of distinguished service to the State of South Carolina. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 7th DAY OF MARCH, 2019.

**HENRY MCMASTER
Governor**

6 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **March 22, 2019** for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201 at (803) 545-3495.

Affecting Beaufort County

Beaufort County Memorial Hospital d/b/a Beaufort Memorial Hospital

Addition of 4 rehabilitation beds for a total of 18 rehabilitation beds at a total project cost of 1,225,540.

Affecting Berkeley County

Lowcountry Rehabilitation Hospital

Construction for the establishment of a 43 bed freestanding rehabilitation hospital in Berkeley County at a total project cost of \$39,997,285.

Affecting Chester County

Lancaster Home Care Services, LLC d/b/a Home Care of Lancaster

Establishment of a Home Health Agency in Chester County at a total project cost of \$18,000.

Addition of 4 rehabilitation beds for a total of 18 rehabilitation beds at a total project cost of 1,225,540.

Affecting Dorchester County

Trident Medical Center, LLC d/b/a Summerville Medical Center

Renovation and equipment purchase for the establishment of interventional radiology services at a total project cost of \$3,737,048.

Affecting Georgetown County

Tidelands Health Waccamaw Community Hospital

Transfer of existing Cardiac Catherization service from TGMH to TWCH as well as the renovation of the 1st floor to TWCH to house the service, total project cost \$2,423,006.

Affecting Horry County

McLeod Regional Medical Center d/b/a McLeod Seacoast Hospital

Construction for the establishment of radiotherapy services and the purchase of one linear accelerator in Horry County at a total project cost of \$8,987,961.

Affecting Kershaw County

Lancaster Home Care Services, LLC d/b/a Home Care of Lancaster

Establishment of a Home Health Agency in Kershaw County at a total project cost of \$18,000.

Affecting Lexington County

Three Rivers Behavioral Health, LLC

Construction for the addition of 4,852 sf and the addition of 7 psychiatric beds for a total of 112 psychiatric beds at a total project cost of \$2,282,498.

Prisma Health-Midlands

Acquisition of a Siemens Magnetom Aera MRI at a total project cost of \$1,705,281.

Affecting Marion County

Florence Home Care Services, LLC d/b/a Carolinas Home Health

Establishment of a Home Health Agency in Marion County at a total project cost of \$18,750.

Affecting Williamsburg County

Florence Home Care Services, LLC d/b/a Carolinas Home Health

Establishment of a Home Health Agency in Williamsburg County at a total project cost of \$18,750.

Affecting York County

Lancaster Home Care Services, LLC d/b/a Home Care of Lancaster

Establishment of a Home Health Agency in York County at a total project cost of \$18,000.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **March 22, 2019**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3495.

Affecting Berkeley County

Lowcountry Rehabilitation Hospital

Construction for the establishment of a 43 bed freestanding rehabilitation hospital in Berkeley County at a total project cost of \$39,997,285.

Affecting Dorchester County

Trident Medical Center, LLC d/b/a Summerville Medical Center

Renovation and equipment purchase for the establishment of interventional radiology services at a total project cost of \$3,737,048.

8 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-56-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-79, Hazardous Waste Management Regulations. Interested persons may submit comment(s) on the proposed amendment to Joe Bowers of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; bowersjb@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on April 22, 2019, the close of the draft comment period.

Synopsis:

The Department proposes adopting the “Revisions to the Definition of Solid Waste Rule,” published on January 13, 2015, at 80 FR 1694-1814 and May 30, 2018, at 83 FR 24664-24671. This United States Environmental Protection Agency (“EPA”) rule revised several recycling-related provisions issued under the authority of Subtitle C of the Resource Conservation and Recovery Act. The purpose of these revisions is to encourage reclamation of hazardous secondary materials in an environmentally safe manner. The federal rule has made the recycling-related provisions less stringent than previous standards. Because the standards are now less stringent than what states have been enforcing, the EPA has made state adoption optional. The proposed amendments are described in EPA Checklist 233D2 (2008 DSW exclusions and non-waste determinations, including revisions from 2015 DSW final rule and 2018 DSW final rule) and Checklist 233E (Remanufacturing Exclusion). These checklists may be found at <https://www.epa.gov/rcra/rule-checklists-applications-state-authorization-under-resource-conservation-and-recovery-act>.

The Department also proposes amending R.61-79 to correct typographical errors, citation errors, and other errors and omissions that have come to the Department’s attention, such as correcting form references, updating definitions, adding language that was erroneously omitted during adoption of previous rules, and other such changes.

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

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Section 44-56-30

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-79, Hazardous Waste Management Regulations. Interested persons may submit comment(s) on the proposed amendment to Joe Bowers of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; bowersjb@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on April 22, 2019, the close of the draft comment period.

Synopsis:

The Department proposes amending R.61-79 to adopt three final rules published in the Federal Register by the United States Environmental Protection Agency (“EPA”). The EPA requires state adoption of these rules, as the rules do not revise existing standards to make them less stringent.

The three final rules are summarized below.

1. The Department proposes adopting the “Revisions to the Definition of Solid Waste, Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule,” published on May 30, 2018, at 83 FR 24664-24671. This rule revised several recycling-related provisions associated with the definition of solid waste under Subtitle C of the Resource Conservation and Recovery Act (“RCRA”). On July 7, 2017, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) vacated portions of this rule (*see American Petroleum Inst. v. Environmental Prot. Agency*, 883 F.3d 918 (D.C. Cir. 2018)). This ruling affects portions of the Definition of Solid Waste Rule that the Department adopted on May 27, 2016. (see State Register Document No. 4646).

2. The Department proposes adopting the “Confidentiality Determinations for Hazardous Waste Export and Import Documents,” published on December 26, 2017, at 82 FR 60894-60901. This rule amends existing regulations regarding the export and import of hazardous wastes from and into the United States. This rule applies a confidentiality determination such that no person can assert confidential business information claims for documents related to the export, import, and transit of hazardous waste, and export of excluded cathode ray tubes. The EPA makes these changes to apply a consistent approach in addressing confidentiality claims for export and import documentation.

3. The Department proposes adopting the “Hazardous Waste Electronic Manifest System User Fee; Final Rule,” published on January 3, 2018, at 83 FR 420-462. This rule establishes the methodology the EPA will use to determine and revise user fees applicable to the electronic and paper manifests to be submitted to the national electronic manifest system (“e-Manifest system”) in accordance with the Hazardous Waste Electronic Manifest Establishment Act, P.L. 112-195. The Hazardous Waste Electronic Manifest System became operational nationwide on June 30, 2018.

Pursuant to the Administrative Procedures Act, S.C. Code Ann. Section 1-23-120(H)(1), these proposed amendments are exempt from General Assembly review because they are necessary to maintain compliance with federal law.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 59-111-510 through 59-111-580

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes repealing R.61-1, Medical and Dental Scholarship Fund. Interested persons may submit comment(s) on this proposed repeal to Bruce C. Busbee of the Office of Budgets and Financial Planning; S.C. Department of Health and Environmental Control, 301 Gervais Street, Columbia, S.C. 29201; Busbeebc@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on April 22, 2019, the close of the draft comment period.

Synopsis:

South Carolina Code Sections 59-111-510 through 59-111-580 establish a Medical and Dental Loan Fund to be administered by the Department. The fund had originally been a scholarship program but was converted to a loan fund in 1985. Pursuant to Code Section 59-111-580, the Department adopted Regulation 61-1 to administer the program.

The General Assembly last funded the program in the 1988 Appropriations Act for the 1988-1989 fiscal year. The last recipients completed their service obligations in 1996 following three years of residency and four years of service.

10 DRAFTING NOTICES

Since the General Assembly has not funded the Medical and Dental Scholarship/Loan program since FY 1989, the Department has had no funds to administer and the program has been dormant for the past thirty years. The Department now proposes repealing R.61-1.

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

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-7-260

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-93, Standards for Licensing Facilities That Treat Individuals for Psychoactive Substance Abuse or Dependence. Interested persons may submit comment(s) on these proposed amendments to the Bureau of Health Facilities Licensing; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; HealthRegComm@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on April 22, 2019, the close of the draft comment period.

Synopsis:

R.61-93 has not been substantively updated since 2015. The Department proposes amending R.61-93 to update and revise definitions and requirements regarding obtaining licensure, inspections and violations, personnel and inservice training, accident and incident reporting, client records and care, infection control, meal service, record maintenance and retention, fire and life safety, construction design, and licensure standards throughout. The Department also intends to add language to incorporate current provider-wide exceptions and memoranda applicable to facilities that treat individuals for psychoactive substance abuse or dependence. The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, codification, and overall improvement of the text of the regulation.

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

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-7-260

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-97, Standards for Licensing Renal Dialysis Facilities. Interested persons may submit comment(s) on these proposed amendments to the Bureau of Health Facilities Licensing; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; HealthRegComm@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on April 22, 2019, the close of the draft comment period.

Synopsis:

R.61-97 has not been substantively updated since 1993. The Department proposes amending R.61-97 to update and revise definitions and requirements regarding obtaining licensure, inspections and violations, personnel and

inservice training, accident and incident reporting, client records and care, infection control, meal service, record maintenance and retention, fire and life safety, construction design, and licensure standards throughout. The Department also intends to add language to incorporate current provider-wide exceptions and memoranda applicable to renal dialysis facilities. The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, codification, and overall improvement of the text of the regulation.

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

COMMISSION ON HIGHER EDUCATION

CHAPTER 62

Statutory Authority: 1976 Code Sections 59-114-10 et seq.

Notice of Drafting:

The Commission on Higher Education proposes to amend the regulation that addresses the determination of rates of tuition and fees. The purpose of this regulation is to assist higher education institutions with determining a student's status as a South Carolina resident for purposes of assessment of tuition and fees. Interested persons may submit comments in writing to Dr. Karen Woodfaulk, Director of Student Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite, 300, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, May 3, 2019, the close of the drafting comment period.

Synopsis:

The Commission on Higher Education proposes to amend the regulation (R.62-600 through 62-612) that addresses the determination of rates of tuition and fees (Section 59-112-10 et seq.). This regulation governs institutional decisions regarding classifying a student as a South Carolina resident or a non-resident. The regulation was last amended in 2018.

Revisions to the existing regulation are being considered to clarify the policies and procedures for administering the program. Proposed amendments are anticipated to ensure the regulation is consistent with the changes to law, concerning classification of veterans for in-state tuition and fee purposes.

Legislative review of this proposal will be required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION

CHAPTER 10

Statutory Authority: 1976 Code Section 40-1-50

Notice of Drafting:

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

12 DRAFTING NOTICES

Synopsis:

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

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF DENTISTRY
CHAPTER 39**

Statutory Authority: 1976 Code Section 40-15-40

Notice of Drafting:

The South Carolina Board of Dentistry proposes to: add a regulation governing the use of lasers in a dental practice; amend R.39-8, regarding laboratory work authorization forms and R.39-10, regarding sanitary standards; and amend R.39-11, regarding ethics. Interested persons may submit comments to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Dentistry proposes to add a regulation governing the use of lasers in a dental practice. The Board further proposes to amend R.39-8 to provide more guidance for a laboratory work authorization form and to establish standards for handling materials sent to a laboratory, and to amend R.39-10(A)(6) to provide that sterilization must comply with current CDC recommendations. Additionally, the Board proposes amending the current Code of Ethics in R.39-11 to strike the current language and adopt the current American Dental Association (ADA) Code of Ethics.

Legislative review of this amendment is required.