

## **SOUTH CAROLINA STATE REGISTER DISCLAIMER**

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# SOUTH CAROLINA STATE REGISTER

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

# ***SOUTH CAROLINA STATE REGISTER***

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

## **STYLE AND FORMAT**

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

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

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

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

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

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

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

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

## **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

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# 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
4848			Contractor's Licensing Board	1/19/20	LLR-Contractor's Licensing Board
4852			Board of Long Term Health Care Administrators	2/03/20	LLR-Board of Long Term Health Care Administrators
4873			Air Pollution Control Regulations and Standards	3/17/20	Department of Health and Envir Control
4876			Electronic Transmissions	4/26/20	Secretary of State
<b>Committee Request Withdrawal</b>					
4843			Board of Physical Therapy Examiners	Tolled	LLR
4861			Consolidated Procurement Code	Tolled	State Fiscal Accountability Authority





## 2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

<b>DOC. No.</b>	<b>SUBJECT</b>	<b>HOUSE COMMITTEE</b>	<b>SENATE COMMITTEE</b>
4848	Contractor's Licensing Board	Regulations and Admin. Procedures	Labor, Commerce and Industry
4852	Board of Long Term Health Care Administrators	Regulations and Admin. Procedures	Medical Affairs
4873	Air Pollution Control Regulations and Standards	Regulations and Admin. Procedures	Agriculture and Natural Resources
4876	Electronic Transmissions	Regulations and Admin. Procedures	Judiciary
<b>Committee Request Withdrawal</b>			
4843	Board of Physical Therapy Examiners	Regulations and Admin. Procedures	Medical Affairs
4861	Consolidated Procurement Code	Regulations and Admin. Procedures	Finance

**Executive Order No. 2019-21**

**WHEREAS**, on May 19, 2017, the undersigned signed Act No. 67 of 2017, which amended certain provisions of the South Carolina Freedom of Information Act (“FOIA”), codified as amended at Title 30, Chapter 4 of the South Carolina Code of Laws; and

**WHEREAS**, as expressly noted in section 30-4-15 of the South Carolina Code of Laws, “it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy”; and

**WHEREAS**, pursuant to article IV, section 15 of the South Carolina Constitution, as Governor of the State of South Carolina, the undersigned “shall take care that the laws be faithfully executed”; and

**WHEREAS**, in furtherance of the foregoing, the undersigned requested that the State Inspector General conduct a comprehensive study and survey of Cabinet agencies and public higher education institutions regarding the implementation of FOIA and related practices and procedures; and

**WHEREAS**, on June 19, 2019, the State Inspector General published a report, titled “Study of Executive Branch State Agencies Freedom of Information Act Policies and Fee Schedules,” which documents the findings of the aforementioned survey and review and any corresponding recommendations.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby direct that all Cabinet agencies shall conduct a comprehensive review of existing FOIA policies, practices, and procedures to ensure that the same are compliant with both the letter and the spirit of FOIA. I further order that, on or before December 31, 2019, all Cabinet agencies shall submit a report to the undersigned confirming their compliance with the foregoing directive and identifying any resulting amendments, revisions, or adjustments to their FOIA policies, practices, or procedures. In reviewing existing FOIA policies, practices, and procedures and in making any necessary or appropriate amendments, revisions, or adjustments thereto, all Cabinet agencies shall utilize the findings and recommendations set forth in the State Inspector General’s June 19, 2019 report.

In furtherance of the aforementioned principles and considerations, it is further advised and recommended that executive agencies not in the undersigned’s Cabinet or otherwise subject to the undersigned’s direct authority shall likewise act in accordance with this Order and the foregoing directives. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 20th DAY OF JUNE, 2019.**

**HENRY MCMASTER  
Governor**

## 4 NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **July 26, 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 Charleston County

###### **Medical University Hospital Authority d/b/a MUSC Medical Center**

Addition of 29 general hospital beds for a total of 632 general hospital beds at a total project cost of \$7,350,407.00

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **July 26, 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 Charleston County

###### **Medical University Hospital Authority d/b/a MUSC Medical Center**

Addition of 29 general hospital beds for a total of 632 general hospital beds at a total project cost of \$7,350,407.00

###### **Clara Lesesne d/b/a Assurance Home Health Care**

Establishment of a home health agency in Charleston County at a total project cost of \$25,000.

##### Affecting Clarendon County

###### **Clarendon Hospital District d/b/a Windsor Manor Nursing Home**

Construction for the replacement of the current Windsor Manor Nursing Home and the addition of 24 skilled nursing beds for a total of 88 skilled nursing beds at a total project cost of \$19,225,954.

##### Affecting Horry County

###### **Grand Strand Regional Medical Center, LLC d/b/a South Strand Medical Center**

Addition of 2 Psychiatric beds for a total of 22 Psychiatric beds at a total project cost of \$502.50.

###### **Conway Hospital, Inc. d/b/a Conway Medical Center**

Purchase of a da Vinci Xi Robotic Surgical System at a total project cost of \$2,114,840.

###### **Conway Hospital, Inc. d/b/a Conway Medical Center**

Purchase of a Globus ExcelsiusGPS Robotic Surgical System at a total project cost of \$1,396,813.

##### Affecting Richland County

###### **Radiation Oncology, LLC (ROL) d/b/a South Carolina Oncology Associates (SCOA)**

Renovation for the addition of a 1.5T MRI and purchase of Brainlab technology equipment to add Stereotactic Radiation Surgery (SRS) to an existing Linear Accelerator (IGRT) at a total project cost of \$3,566,051.30.

**Affecting Sumter County****Prisma Health Tuomey Hospital**

Purchase of a da Vinci Xi Surgical Robotic System at a total project cost of \$2,080,000.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL****NOTICE OF GENERAL PUBLIC INTEREST**

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.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

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/or individuals listed below, please submit your comments in writing, no later than August 26, 2019 to:

Contractor Certification Program  
 South Carolina Department of Health and Environmental Control  
 Bureau of Land and Waste Management - Underground Storage Tank Program  
 Attn: Michelle Dennison  
 2600 Bull Street  
 Columbia, SC 29201

The following company has applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

**Class I**

**GSS Environmental, PLLC**  
**Attn: Gregg Stephens**  
**5080 Nokesville Circle**  
**Aiken, SC 29803**

## 6 DRAFTING NOTICES

### OFFICE OF THE ATTORNEY GENERAL CHAPTER 13

Statutory Authority: 1976 Code Sections 35-1-101 et seq.

#### Notice of Drafting:

The Office of the Attorney General proposes to promulgate regulations relating to administrative hearings held before the Securities Commissioner. Interested persons may submit comments to J. Louis Cote III, Assistant Attorney General, Office of the S.C. Attorney General, Securities Division, P.O. Box 11549, Columbia, SC 29211-1549. To be considered, comments must be received no later than 5:00 p.m. on August 26, 2019, the close of the drafting comment period.

#### Synopsis:

The South Carolina Attorney General, as Securities Commissioner, proposes to promulgate regulations to address procedures for administrative hearings to be held before the Securities Commissioner.

Legislative review of the proposed regulations will be required.

### STATE FISCAL ACCOUNTABILITY AUTHORITY CHAPTER 19

Statutory Authority: 1976 Code Sections 11-35-10 et seq.

#### Notice of Drafting:

The State Fiscal Accountability Authority proposes to amend Regulation 19-445. Interested persons may submit comments to Office of General Counsel, Attn: Keith McCook, 1201 Main Street, Suite 420, Columbia, S.C. 29201 or to [regulations@ogc.sc.gov](mailto:regulations@ogc.sc.gov).

#### Synopsis:

The Consolidated Procurement Code authorizes the State Fiscal Accountability Authority to promulgate regulations relating to implementation of Title 11, Chapter 35 in accordance with the Administrative Procedures Act. The proposed regulations will address various matters regarding Regulation 19-445 and procurement in general.

Legislative review of this proposal will be required.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-165, 48-1-10 et seq., and 48-2-10 et seq.

#### Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-30, Environmental Protection Fees. Interested persons may submit comment(s) on the proposed amendments to Robert J. Brown, Jr., Division of Air Assessment and Regulation, Bureau of Air Quality; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [brownrj@dhec.sc.gov](mailto:brownrj@dhec.sc.gov). To be considered, the Department must receive comments by 5:00 p.m. on August 26, 2019, the close of the draft comment period.

**Synopsis:**

The Department proposes amending R.61-30, Environmental Protection Fees, to revise the assessment of fees. The proposed amendments specifically address financial shortfalls in the air quality program and National Pollutant Discharge Elimination System (NPDES) and wastewater construction programs. The Department also proposes incorporating expedited review fees and processes into the regulation. Additional proposed changes or additions may include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall text improvement. Proposed changes may also include removal of antiquated provisions no longer having legal effect.

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

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

**CHAPTER 53**

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

**Notice of Drafting:**

The South Carolina Board of Registration for Foresters proposes to amend its regulations to conform to current administrative procedures. Interested persons may submit comments to Molly Price, Administrator, Board of Registration for Foresters, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

**Synopsis:**

The South Carolina Board of Registration for Foresters proposes to amend its regulations to conform to current administrative procedures; most of the regulations have not been updated since the publication of the 1976 Code.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF EXAMINERS IN OPTICIANRY**

**CHAPTER 96**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-38-60

**Notice of Drafting:**

The Board of Examiners in Opticianry proposes to amend R.96-106, regarding apprenticeships. Interested persons may submit comments to Meredith Buttler, Administrator, Board of Examiners in Opticianry South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The Board of Examiners in Opticianry proposes to amend R.96-106, regarding apprenticeships.

Legislative review of this amendment is required.

## **8 DRAFTING NOTICES**

### **DEPARTMENT OF SOCIAL SERVICES**

#### **CHAPTER 114**

Statutory Authority: 1976 Code Section 63-7-2320

#### **Notice of Drafting:**

The Department of Social Services proposes to amend a regulation so that it permits the issuance of a provisional license to kin and fictive kin who meet specified requirements. Interested persons may submit comments to Ms. Dawn Barton, Department of Social Services, Office of Permanency Management, Post Office Box 1520, Columbia, South Carolina 29202. To be considered, comments must be received no later than 5:00 p.m. on August 12, 2019, the close of the drafting comment period.

#### **Synopsis:**

The General Assembly established a Kinship Foster Care Program in the State Department of Social Services (Section 63-7-2320). When a child has been removed from his home and is in the care of the Department of Social Services, the department must make concerted efforts to identify a relative who would be an appropriate placement for the child. When the department identifies a relative for placement, the department is required to advise the relative of the procedures to become a licensed kinship foster parent, assist the relative with the licensing process, and inform the relative of the availability of foster care maintenance payments and other services. The department must promulgate rules and regulations governing eligibility to become a kinship foster parent.

The regulation will supplement the current foster home licensing regulations of the department by providing criteria for issuing a provisional license and paying a monthly stipend to relatives and fictive kin under specified conditions, pending the issuance of a standard foster care license.

Legislative review of this amendment is required.